

**BOARD OF SELECTMEN**  
**REGULAR SESSION MEETING MINUTES**  
**April 23, 2007**

**CALL TO ORDER:** Chm. Woods called the meeting to order at 7:05 p.m. The following persons were present: Chair Julie Woods, Vice Chair Arthur DuBois, Sel. Kevin Kuros, Sel. Jim Dwyer, Town Manager Jill Myers, and BOS Assistant Tracy Leavitt. Sel. Dan Stack was not present.

**ANNOUNCEMENTS:** Introduction of the new Town Accountant, Mr. Justin Cole; Baseball parade on Sunday: the Board wishes all sports teams well.

**CITIZEN'S FORUM:** Mr. Michael Potaski of 24 Church Street addressed the Board regarding the FY08 budget. Mr. Potaski asked the Board to take a look at the implications and "human factors" of all decisions as we approach the Annual Town Meeting and finalizing the budget.

Mr. Daniel Baker spoke concerning the Town Park. He feels it is an asset that the Town should look at as a resource to provide a place for the young and old to enjoy. Mr. Baker feels we should consider forming a committee and use the Trust Fund to better utilize this space. Mr. Baker reminded the Board that he feels the Town should permanently mark all Town vehicles.

**PUBLIC HEARINGS/APPOINTMENTS:**

Uxbridge Fireworks at Bangma's Farm 7/7/07: Dale Bangma – report and vote of BOS to authorize: Mr. Dale Bangma informed the Board that Harry Romasco approached him about hosting the Fourth of July annual fireworks celebration. Mr. Bangma met with Chief Ostroskey and Chief Freitas and reviewed the site with the State Fire Marshall. Sel. DuBois asked whether the event will include more than fireworks. Mr. Bangma stated there will be vendors, a disc jockey, and a tractor pull. Sel. Kuros asked for an estimate of attendance. Mr. Bangma is planning on 4,000-8,000. Chm. Woods thanked Mr. Bangma for his willingness to host this event.

Mrs. Cindy Lavallee asked to address the Board in regards to the fireworks. Mrs. Lavallee stated that she and her husband live across the street from Bangma's Farm. They also own 9 acres of land on Mr. Bangma's side of the street. Mrs. Lavallee wanted to make it clear that she and her husband are not against the fireworks, but are concerned about the parking and their hay. Mr. Bangma is willing to stake off the land with tape. He explained that there will also be police on bicycles to help keep vehicles off their property. Mr. Bangma agreed to pick up all trash and fix any tire ruts that may occur on the Lavallee's land. Sel. DuBois asked Mr. Bangma if he is confident he has sufficient help. Mr. Bangma feels very confident. Chm. Woods asked if he plans to try and offset the cost by selling buttons, etc. Mr. Bangma announced they will be selling buttons and charging \$5.00 per vehicle. He also stated that they will be advertising more in the coming weeks.

Chief Ostroskey informed the Board that a technical review was completed and he feels confident all will go well. Chm. Woods asked what steps are taken to prevent multiple calls due to neighbors hearing loud noises. Chief Ostroskey stated that Dispatch will be notified immediately before the show begins and he is confident that this will not be an issue. Sel. Kuros asked what happens if a second fire begins. Chief Ostroskey stated there will be a brush truck assigned to the event.

**MSDV by Sel. Dwyer, seconded by Sel. DuBois, to move approval of the fireworks event at Bangma's on July 7, 2007. The motion passed unanimously.**

Request for a One-Day Alcohol License: Church of the Good Shepherd Dinner, April 28, 2007: Mrs. Lisa Bertonazzi informed the Board that the Church of the Good Shepherd is planning to have an

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invitation-only Appreciation Dinner on Saturday April 28, 2007. Mrs. Bertonazzi stated they would like to serve wine.

**MSDV by Sel. Kuros, seconded by Sel. DuBois, to approve the one day alcohol license for wine. The motion passed unanimously.**

Website Committee: Common Cause recognition: Chm. Woods thanked Mr. Grant Fletcher and Mr. Joseph Bonapace for all their volunteer work with the Town's website. Sel. Kuros stated that in 2006, Common Cause set forth an initiative to encourage open government via town websites. In September, 2006, the Town of Uxbridge met the criteria they set forth. On March 15, 2007, Sel. Kuros attended an event hosted by Common Cause to recognize all Massachusetts cities and towns who met the criteria. Sel. Kuros said the Town of Uxbridge should be proud of the Website Committee for accomplishing so much on a "shoestring budget." Ms. Myers presented the Committee with copies of the Common Cause awards which Sel. Kuros accepted on behalf of the Town as well as a letter of appreciation to be hung at Town Hall. Ms. Myers thanked Mr. Fletcher and Mr. Bonapace for their volunteer efforts and dedication to the website. Mr. Fletcher informed the Board that the website has been up since May, 2005. In March, 2007, the website received 156 daily visits, which is up 51% from last March. The traffic varies depending on what is happening in Town. The Committee is looking to have live web casts along with more election information available on the website in the future.

**TOWN MANAGER REPORT:** Ms. Myers addressed the issue raised by Mr. Daniel Baker in regards to identification of Town vehicles. Ms. Myers stated that Town of Uxbridge vehicle magnets have been provided to those with Town vehicles. Ms. Myers then reviewed her written report. (A copy of the report is attached to these minutes.) Mr. Baker stated he appreciated the Town Managers efforts but he would like to see permanent markings as opposed to vehicle magnets.

**OLD BUSINESS:**

Gravel Permit Applications: recommendation from Conservation Administrator Rachel Landry (follow-up from 4/9 meeting): The Board reviewed the packet provided by Ms. Landry. Ms. Landry stated that the form is only about 30% complete but feels as though it is helpful to receive comments along the way. Ms. Landry also feels we should utilize this for gravel permit applications going forward and not retroactively on pits that have been operational for years. Sel. Dwyer feels that this is a great first step. Sel. Kuros asked if this form would ultimately be put in a flow chart. Ms. Landry said the packet will lay out a road map. Chm. Woods thanked Ms. Landry for all her hard work. Ms. Landry stated that she is working on a renewal application which will be shorter and easier than the initial application.

Order of Taking: Lavallee Property – Old Skull Rock Road (Town Manager): Ms. Myers reviewed the suggested motion. She explained that a friendly taking of the Lavallee property is cooperative and the seller signs away all monetary claims against the Town and the Purchase and Sales remains in effect. An Eminent Domain Taking is not cooperative and the owner may contest the damages (inconvenience cost for someone having to relinquish their property) for up to three years.

**MSDV by Sel. Kuros, seconded by Sel. DuBois, that pursuant to the authority granted to the Board of Selectmen under G.L. c. 40, Section 14, G.L. c. 79 and Article 12 of the Annual Town Meeting held on November 15, 2005, the Special Town Election held on January 17, 2006, and of any and every power and authority which is hereunto in any**

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way enabling, that the Board of Selectmen vote to take, on behalf of the Town, for school and associated recreational facilities, a fee simple interest in a parcel of land off Quaker Highway, Uxbridge, Massachusetts, shown as Parcel "A" on a plan of land entitled "Plan of Land in the Town of Uxbridge, Massachusetts," Owned by David A. & Robin G. Lavallee, 219 Quaker Highway, Uxbridge, MA 01569, Scale: 1"=100 Ft., Date: December 21, 2006 recorded herewith, all as described in the Order of Taking which is now before us for signature. The amount is \$717,641.00 consistent with the terms of the Purchase and Sale Agreement. The motion passed (3-1-0). (Sel. Dwyer opposed. He stated he feels that this is a premature action.)

Order of Taking: Zygmuntowicz Property (Town Manager): Ms. Myers noted the process for the Zygmuntowicz property is an eminent domain taking.

**MSDV by Sel. DuBois, seconded by Sel. Kuros, that pursuant to the authority granted to the Board of Selectmen under G.L.c.79, Article 12 of the November 15, 2005, Annual Town Meeting, and the Special Town Election held of January 17, 2006, that the Board of Selectmen vote to take by eminent domain for school and associated recreational facilities, the property owned by Stanley A. Zygmuntowicz located at 270 and 292 Quaker Highway, Uxbridge, Massachusetts, shown on a plan of land entitled "Plan of Property in Uxbridge, Massachusetts," Owned by Stanley A. Zygmuntowicz, scale 1 inch = 60 ft., Feb. 8, 2006; containing 7.28 acres more or less, and more particularly described in deeds recorded with Worcester South District Registry of Deeds in Book 3371, Page 316, and in Book 5213, Page 385, and to award damages to Stanley A. Zygmuntowicz in the amount of \$500,000.00, all as described in the Order of Taking which is now before us for signature. The motion passed (3-1-0). Sel. Dwyer opposed.** (Sel. Dwyer stated there is a great distinction between the Lavallee Taking, where time is of the essence, and the Zygmuntowicz Taking, where time is not of the essence. Sel. Dwyer feels that this taking can be postponed and nothing would be affected.)

Review of Town Counsel RFP: continued discussion on Core Services: Ms. Myers reviewed the draft RFP. Sel. Dwyer requested that in three places, the word "should" be changed to "shall."

**MSDV by Sel. Kuros, seconded by Sel. Dwyer, to approve as amended by Sel. Dwyer. The motion passed unanimously.**

FY08 Budget: continued discussion on Core Services: Ms. Myers reviewed the "Budget Message" which notes changes from March to April 17 and four options to address the budget deficit; 1.Reduce, 2.Fund by stabilization, 3. Seek prop. 2 1/2 override, 4. Pass unbalanced until fall. Ms. Myers is proposing an unbalanced budget at the Spring Annual Town Meeting to be balanced at the Fall Annual Town Meeting. Ms. Myers is not proposing an override, but is has been considered by FinComm. Sel. DuBois feels as though more clarification is needed on how we got to a \$1.6 million deficit and, "it was not by giving everyone what they want." Sel. DuBois feels that whatever option we choose, the citizens need to know the \$1.6 million deficit was reached after trying to get all requests lowered, and that the original deficit was \$3 million. Chm. Woods agreed with Sel. DuBois that more clarification is needed. Sel. Dwyer asked if the School Department actually took the "hit" they claim or whether they covered it with grant money. Sel. Dwyer stated that if this is the case, "the pain they felt is nowhere near the pain the Town felt." Ms. Myers said the discussion would continue during a working session in the morning. Ms. Myers feels it is a level playing field between the Town and the School

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Department at this point in the recommendation. Chm. Woods reminded the Board that over the years, all three options have been chosen at one time or another. Chm. Woods feels that options only put off the inevitable. Sel DuBois stated, "At the end of the day we land at these three options. Getting to the bottom line requires pain and is extremely difficult to obtain."

Spring Annual Town Meeting Warrant review: Ms. Myers reviewed the Spring Annual Town Meeting Warrant.

- **Article 1 - Reports:** Sel. Dwyer would like the Bylaw Review Committee to present a report.
- **Articles 7 & 8 – Enterprise Funds:** Sel. Dwyer asked if the rates set are consistent with the revenue. Ms. Myers explained that is her recollection. However, the DPW Superintendent said water and sewer may need adjustments.
- **Article 10 – Cable Access:** Ms. Myers stated that Attorney Atchue from the I.G.'s office put out a joint bulletin with the DOR. Ms. Myers tried to confirm with the Deputy Commissioner of the DOR Mr. Jerry Perry and there was no consensus. Ms. Kathy Reed also stated there was no consensus. Ms. Myers stated that right now, they are allowing the funds to be segregated and not used as part of the general fund.
- **Article 11 – Appropriation to Fund Good Shepherd School Building Rent:** Sel. Dwyer questioned whether the \$120,000 is for the Good Shepherd.
- **Article 12 – Master Plan:** Chm. Woods explained that this article was in place prior to seeing the full picture of the deficit.
- **Article 18 – Improvements to the Municipal Water Supply System:** Sel. Dwyer asked since this is also related to improving general protection of the Town, shouldn't the Town bear some of cost. Ms. Myers said she would look at the rate schedule from the Finance Director.

Chm. Woods identified the Selectmen's comfort level for each Article.

- Sel. Kuros felt we should wait a few more weeks on **Article 10 – Cable Access**. Sel. DuBois asked why there is not more staff. He pointed out that we receive the money along with complaints on whether we could have richer cable productions. Ms. Marla Zeneski asked to address the Board and stated that she agrees that much more could be accomplished if staff was increased.
- Sel. Dwyer feels we should find out if there is enough interest in the Town to pursue **Article 15 – Pay As You Throw Trash Collection/Recycling Fund**.

The Board agreed to hold a meeting on May 7, 2007, to review articles 3, 5, 9, and 12 in more detail before Town Meeting.

***ACTION ITEM: Invite Barry Giles to the May 7<sup>th</sup> meeting to discuss Article 10.***

Appointment of 4 Poll Workers: Chm. Woods reviewed the list of candidates.

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**MSDV by Sel. DuBois, seconded by Sel. Dwyer, that Mr. Charles Paszkewicz, Ms. Mary Rice, Ms. Cathy Maney and Mr. John Lynch Jr. be appointed as Poll Workers. The motion passed unanimously.**

***ACTION ITEM: Send a letter to the Town Clerk and the four Poll Workers.***

**NEW BUSINESS:**

Request from the Public Safety Committee to install “No Parking” signs on Cross Street: Chm. Woods reviewed the letter from the Public Safety Committee. Chief Ostroskey informed the Board that the Committee has been looking at this situation for a couple of months. This area is subject to significant traffic and, on occasions, the street has been blocked. Sel. Dwyer shared that he has seen the negative effects of parking on the side of the road.

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to move positive action on the request to install “No Parking” signs on Cross Street. The motion passed unanimously.**

Ambulance Rate Proposal: Chief Peter Ostroskey: Chief Ostroskey reviewed the memo he presented to the Board of Selectmen. Sel. Dwyer asked if based upon projected rates, does he have different figures. Chief Ostroskey stated that in calendar year 2006, there were 1,000 billable incidents and of that, 498 were advanced life support and 502 were basic life support. Sel. Dwyer asked with this new structure, what would the revenue be. Chief Ostroskey said it would be about a \$35,000 increase. Sel. Kuros asked if accepted, would it impact the bill our senior citizens receive. Chief Ostroskey said they have third party billing that will pursue all avenues but it could theoretically increase a co-pay or deductible. (A copy of the memo is attached to these minutes.)

**MSDV by Sel. DuBois, seconded by Sel. Dwyer, to approve the rate changes that are proposed by Chief Ostroskey. The motion passed unanimously.**

Discussion on an RFP for the Sutton Street Property: Chm. Woods asked if it is possible to consider changing the lease amount and allowing the amount to be refundable. Ms. Myers said creative options are usually more difficult to implement with MGL but she would look into it. She is just not sure if the money can be refunded. Ms. Myers stated that the Board needs to decide if they would like to still lease and continue the same activities. Sel. Dwyer suggested to the Board that the performance be evaluated before the lease is to be renewed. Ms. Myers said if that is the case, she will figure out funding options to ensure compliance.

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to allow the Town Manager to proceed with soliciting RFP’s for the lease of 100 acres of the Sutton Street Property. The motion passed unanimously.**

Signing of the Warrant for the 2007 Annual Town Election: Chm. Woods read the 2007 Annual Town Meeting Warrant provided by the Town Clerk’s office.

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to approve and sign the election warrant for May 22, 2007. The motion passed unanimously.**

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**CONSENT ITEMS:** The Board agreed to postpone the acceptance of meeting minutes due to the hour.

**CORRESPONDENCE/OTHER BUSINESS:** Ms. Myers informed the Board that a letter was received from Mr. Gerald Lemire Sr. announcing his resignation from the Board of Library Trustees.

***ACTION ITEM: Send Mr. Lemire a letter of thanks.***

**EXECUTIVE SESSION:** With no other regular business before them, at 10:43 p.m.:

**Motion by Sel. Kuros, seconded by Sel. Dwyer, to enter into Executive Session 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, an executive session now may be convened to conduct strategy sessions in preparation for negotiations with non-union personnel. RCV: Dwyer - aye, Kuros - aye, DuBois - aye, Woods - aye.**

**ADJOURNMENT:** With no further business before them, at 10:58 p.m.:

**MSDV by Sel. Dwyer, seconded by Sel. Kuros, to adjourn. The motion passed unanimously.**

*Minutes respectfully submitted by,  
Tracy Leavitt, Assistant to the Board of Selectmen*

Minutes approved by Board of Selectmen:

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Chairman Julie A. Woods

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Sel. James F. Dwyer

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V. Chairman Arthur O. DuBois

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Sel. Kevin J. Kuros

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Clerk Daniel P. Stack

MSDV: Moved, Seconded, Discussed & Voted  
RCV: Roll Call Vote