

**TOWN OF UXBRIDGE
BOARD OF SELECTMEN MEETING MINUTES
BOARD OF SELECTMEN MEETING ROOM
21 S. MAIN STREET, UXBRIDGE, MASS
MONDAY, AUGUST 13, 2018 – 6:30PM**

Received by
Uxbridge
Town Clerk

Meeting is recorded.

Present: Jennifer Modica/Chair, Susan Franz/Vice Chair, Brian Plasko/Clerk, Jeffrey Shaw/Selectman.
Also present: Angeline Ellison/Town Manager, Jay Talerman/Town Counsel

1. CALL TO ORDER 6:30 p.m.

2. ANNOUNCEMENTS

- 1) Thank you to fire and police who escorted our Cal Ripken 10U Championship team back into town, the team placed 3rd in the World.
- 2) **Volunteers needed**, please see the Clerk's Office or Town Manager's office for a list of openings. Fall Annual Town Meeting will be held at Valley Chapel, 14 Hunter Rd. on October 23rd. Warrant closes Friday, August 24th
- 3) **Primary Elections** will be held on September 4, 2018 at McCloskey Middle School, 62 Capron Street from 7:00 am to 8:00 pm
- 4) **Appointment Letters** if anyone is missing a committee or board appointment letter, please contact the Town Manager's office.
- 5) **School Committee Opening**: BOS/School Committee joint meeting September 24th. Please contact Debbie Stark for more information.
- 6) **Community Gardens**: Open House August 16th.

3. CITIZENS' FORUM

The following citizen's spoke:

- Harry Romasco – WWII Memorial at McCloskey School - asked the Board include the Soldiers Memorial Trustees. The Board took a brief recess.
- Paul Palerino – offered his support of Tim Burke for Chief of Police
- Peter Baghdasarian – Town Charter, Town Manager position

4. TOWN MANAGER UPDATE

- 1) Departmental Updates: Finance, Permitting, Cable, Fire

Jason Caravaggio/Budget Director/Town Accountant – here for one month, smooth FY18-FY19 transition, working on internal controls, increasing effectiveness, increasing cooperation and transparency between departments, will continue to meet with other departments to look at cost savings.

Nick Federico/Treasurer/Collector - gearing up for free cash, recap tax rate season, town meeting, health insurance options, recorded 91 tax titles.

Joan Navarro/Assessor - No new excise in July, new construction/additions \$11,825 in new growth 2019, assisting with the development in solar projects, motor vehicle abatements.

Larry Lynch/Building - 6 developments approved by Planning Board consisting of 255 house lots to develop, Cumberland Farms almost complete, library skylight update.

Andrew Gorman/Conservation Commission – Ciampanelli project, received 2 permits, Title 5 upgrades, draft of wetland bylaw, open space plan set to dissolve, Conservation Agent will be leaving. Thank you to Melissa for all her hard work.

Planning – unable to attend. Ms. Ellison will forward a report to Board tomorrow.

Barry Giles/Cable - staff at 100%, planning for upcoming year, discussing Charter Communication contract with Town Manager renewal in two years.

Bill Kessler/Fire - 4 on-call firefighters graduated in June and 1 candidate in class currently, 3 scheduled to attend November class, increased ambulance revenues, working through fire station completion, town hall backup generator will go live, added a town radio frequency for community events/emergency dispensing site (except DPW), fire truck ordered-arrival in early 2019.

2) Employee Search Update

The Town Manager provided an employee search update. Conservation Agent submitted resignation last day is August 23rd - working with ConComm to come up with a plan.

Police Chief search update. Ms. Ellison introduced Marc Montminy as Uxbridge's new Police Chief. Chief Montminy thanked everyone. Chief was born and raised in Cumberland, RI and went to school in Milford, MA. Has worked in Connecticut for 33 years and spent last several years in Manchester with 58,000 people and 120 sworn officers. Looking forward to serving the community. Swearing-in ceremony Wednesday, 9/12 at 6:00 p.m. in Lower Town Hall. All are invited to attend. The Board thanked Interim Chief Burke.

Ms. Ellison updated the Board on the Economic Development Coordinator/Planner should be finalized by next week.

5. BUSINESS

1) Select Board Member Special Election – Kelly Dumas, Town Clerk (*taken out of order after 2. Announcements*)

Special Election for a new Board Member. Election calls for a 64 day notification. Discussed upcoming dates and costs associated with election and logistics. **MOTION: Mr. Shaw made a motion to set a date for the Special Election for the open seat on the Board of Selectmen as December 4, 2018. Seconded by Mr. Plasko. The motion carried 4-0-0.** Ms. Dumas noted that the nomination papers for the seat will be available tomorrow. Absentee ballots for the primary election are available at the Town Clerk's office.

2) Board of Selectmen reorganization

Ms. Modica stated that she is interested and believes the Board should be redirected as to what the Board's charge is and has over three years Chair experience. Ms. Franz stated that she also has interest in being Chair. Ms. Franz brings a fresh perspective, administrative experience outside of municipal government, worked for large technology company, has finance background, and is interested in town growth, balance tax revenue, water/sewer fees. Ms. Modica stated the Chair should set the agenda and run meetings and work with the Town Manager. **MOTION: Mr. Plasko made a motion to nominate Jenn Modica as Chair. Seconded by Mr. Shaw. The motion carried 4-0-0.**

3) Town Counsel introduction

Jay Talerman, Mead, Talerman & Costa, LLC, was present to discuss the flat fee agreement. Unlimited access with an exception of a few excluded items, Town Counsel works with Board to help implement policies, benefit of experience, here to assist town with matters before they go to litigation, work closely with all town boards/committees. Fee is paid monthly, other towns rarely go over because very little hourly work, labor is separate then general municipal.

4) Gift Acceptance

- Fire Department - \$100 in memory of Barbara "Bobbie" Hough
Chief Kessler asked for a gift acceptance of \$100. **MOTION: Mr. Plasko made a motion that the Board accept the \$100 generous donation to the Fire department in memory Barbara "Bobbie" Hough. Seconded by Mr. Shaw. The motion carried 4-0-0.** Ms. Modica stated that the Board should readdress the policy on the limit.

5) License Transactions: Approvals/Updates

- i. Common Victualler License: Cumberland Farms, 128 N. Main Street
David Valente, District Manager present. The Board discussed hours. Mr. Valente stated that hours will be 5 am-12am. **MOTION: Ms. Franz move to approve the Common Vic License for Cumberland Farms with the modification of actual hours of operation of 5am-12am. Seconded by Mr. Plasko. The motion carried 4-0-0.**
- ii. Alcohol License: ABCC Decision – Serendipity, 515 Douglas Street
Serendipity waiting to hear back from ABCC on new manager approval.
- iii. **Public Hearing:** License to Store Flammables, Combustibles or Explosives: Dokkum Realty LLC, 410 North Main Street.

Ms. Modica opened the Public Hearing. Ms. Modica asked for public questions. Brent Wiersma applicant present. Chief Kessler mentioned that the Board approved the permit back in 1973/1974 minutes were located but the permit is missing. Ms. Modica closed the public hearing. **MOTION: Mr. Shaw move that the Board issue a Flammable Fuel Storage License for 120,000 gallons at 410 North Main Street. Seconded by Mr. Plasko. The motion carried 4-0-0.**

6) **Public Hearing Continuation:** Class II License (Motor Vehicle Sales) for Powertrain Component Rebuilders, 616 Douglas Street

The Board will continue the Public Hearing for the Class II License.

7) Committee Appointments

- i. Recreation Commission: one opening: full member : Kiel Dzivasen
MOTION: Mr. Shaw made a motion that the Board appoint Kiel Dzivasen to the Recreation Commission. Seconded by Mr. Plasko. The motion carried 4-0-0.
- ii. Historic District Commission: two alternate openings: Christopher Delarda, Rachel Palin
MOTION: Mr. Plasko made a motion to appoint Christopher Delarda and Rachel Palin to the Historic District Commission as alternates. Seconded by Mr. Shaw. The motion carried 4-0-0.
- iii. Historic Commission : one opening: Michael Potaski, Peter Emerick

The Chair noted Mr. Potaski was appointed on June 25th. Counsel stated that the Board can appoint alternate members to this committee. The Selectmen's assistant will reach out to the Chair of the Committee to see if Mr. Emerick would like to be an alternate. Talent Bank Forms should be kept in the Town Manager's office and date stamped. Additionally, for the joint School Committee opening, Talent Bank Forms should go to the Town Manager's office. Mr. Plasko asked if the website could be updated to reflect correct board/committee members.

8) CMRPC delegate and alternate appointments

Ms. Modica would like to continue to serve as the Board delegate. Eli Laverdiere is the Planning Board delegate. **MOTION: Mr. Shaw made a motion that the Board elect Jenn Modica as the delegate to represent the Board of Selectmen at CMRPC. Seconded by Mr. Plasko. The motion carried 4-0-0.** Ms. Modica mentioned that the Board can vote to have a community member as a delegate to attend quarterly meetings. The Board will post the position for 10 days.

9) Street Name Acceptance: Forest Glen Development - Ashley Court & Summer Court

The Town Manager directed the Board of Selectmen to review their street naming policy. Chief Kessler stated that the Public Safety Committee didn't have issues with the proposed developer names of Ashley and Summer Courts. The developer would not be opposed to using the Wall of Honor street names. **MOTION: The Board of Selectmen submit the Wall of Honor Veteran names to the Forest Glen development for the two courts for referral to the Public Safety Commission for approval.** Discussion. Ms. Modica noted that Carl Bradshaw did a lot of research. **Seconded by Mr. Plasko. The motion carried 4-0-0.**

10) Right of First Refusal – 136 & 150 Henry Street

Falls under Chapter 61B. Jim Gornall, owner of the property present to answer any questions. The Board agreed the town did not need the property. **MOTION: Mr. Shaw made a motion that the Board decline the Right of First Refusal for 136 & 150 Henry Street. Seconded by Mr. Plasko. The motion carried 4-0-0.**

11) McCloskey School - facilities and maintenance budget review/recommendation

Ms. Modica noted that there needs to be some discussion between the Chair, Town Manager, School Committee Chair, and Superintendent on how to move forward. Ms. Modica noted back in June, there was discussion about putting together a group to look at what the town would like to do with the building. Mr. Plasko asked that someone from the Soldiers Memorial Trustees sit on the advisory group. Ms. Ellison would like to see logistics addressed first. The initial group should consist of the Budget Director, Town Manager, School Superintendent, and School Budget Director. Ms. Ellison will continue to keep the Board updated.

12) Use of Town Counsel Draft Policy review and discussion

A copy of the existing policy was provided in the packet. Town Counsel talked about communication between Town Counsel, Board Members, and the Town Manager. The Board discussed the proposed policy and will review the red lined proposed policy and place on the next agenda for further discussion.

13) Fall Annual Town Warrant Review

Ms. Ellison noted that Article 2 had been updated. The only articles left are the marijuana articles. The Board will vote to place the articles on the warrant.

Article 1 – TRANSFER TO CAPITAL STABILIZATION FUND

This will move any money above the \$2.5M that the BOS has for a policy to keep in stabilization into a capital stabilization fund.

Article 2 – FY19 INTER/INTRA DEPARTMENTAL TRANSFERS

This will allow to move some salaries and capital needs. Ms. Ellison reviewed the transfers with the Board.

Article 3 – BILLS OF PRIOR FISCAL YEAR

Previous town counsel bill.

Article 4 – FY18 APPROPRIATION DEFICIT OF PRIOR YEAR

Mr. Shaw inquired about the \$30K transfer. Ms. Ellison stated that this was for Verizon/phone bills. During year-end transfers it was a budget cut, both FinCom and the Board of Selectmen voted to have this go before Town Meeting. The motion should be updated to say move \$30K.

Article 5 – AMEND THE ZONING BYLAWS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

To be reviewed during next agenda item.

Article 6 - ESTABLISH A MARIJUANA LICENSING AUTHORITY

To be reviewed during next agenda item.

MOTION: Ms. Modica made a motion that the Board approve placement of Articles 1, 2, 3, 4. Seconded by Ms. Franz. Discussion including placement of citizen's petition. Town Counsel asked about the layout hearing on the Citizen's Petition. The motion carried 4-0-0.

14) Review proposed Marijuana Bylaws - Draft A, Draft B

This would be an amendment to the bylaw that was approved at the May Annual Town Meeting. The zoning bylaw that was approved was for 3 retail and 3 grow/cultivator/testing/research. We have 7 host agreements one of which is retail. The Board discussed both drafts. The Board discussed 3 retail, 12 grow/cultivator/testing/research, and 3 medical.

MOTION: Ms. Franz move to change Section 2 of the Marijuana Bylaw from 3 licenses to 12 licenses. Seconded by Mr. Shaw. The motion carried 4-0-0.

The Board will send the warrant to Planning to hold a public hearing.

MOTION: Ms. Franz move to place Article 5 – AMEND THE ZONING BYLAWS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS on the warrant to include the change the Board just approved for increasing the number of marijuana cultivators/testing facilities to 12 licenses. Seconded by Mr. Plasko. The motion carried 4-0-0. Ms. Modica noted that Draft A will be used but the number will be changed on Draft A from 9 to 12 licenses.

15) Review proposed Marijuana Licensing Bylaw

Ms. Franz stated that this was brought up by the previous town counsel. It will give the Board the ability to shut a business down if they stop paying or there is an issue with their site. Ms. Franz stated that it was strongly recommended by counsel to add the licensing bylaw to our host agreement. Ms. Modica discussed placing on the warrant. **MOTION:** Ms. Franz made a motion to add the Marijuana Licensing Bylaw as written as Article 6 to the warrant. Seconded by Mr. Plasko. The motion carried 4-0-0. Ms. Ellison will forward the bylaw to town counsel for review.

6. MEMBER ISSUES

Brian Plasko – Soldiers Memorial Trustees and cannon repair. Ms. Ellison stated that last fiscal year, funds were allocated. The cannon was not fixed and has asked the Trustees to provide quotes for the wheels, slab, and the cannon repairs.

Bring back good news to the agenda - Uxcellent News. Ms. Modica will add as a standing agenda item.

Jennifer Modica - Agenda Items. Selectmen can bring forth any agenda items during this time or email Ellen or the Chair with them.

7. MEETING MINUTES

Regular Session: 6/25/18, 7/3/18, 7/9/18, 7/12/18, 7/18/18, 7/23/18

June 25, 2018 Meeting Minutes

MOTION: Mr. Plasko made a motion to approve the meeting minutes of June 25, 2018. Seconded by Mr. Shaw. The motion carried 4-0-0.

July 3, 2018 Meeting Minutes

MOTION: Ms. Modica made a motion to approve the meeting minutes of July 3, 2018. Seconded by Ms. Franz. The motion carried 4-0-0.

July 9, 2018 Meeting Minutes

MOTION: Ms. Modica made a motion to approve the meeting minutes of Monday, July 9, 2018. Seconded by Mr. Plasko. The motion carried 4-0-0.

July 12, 2018 Meeting Minutes

MOTION: Mr. Plasko made a motion to approve the meeting minutes of July 12, 2018. Seconded by Ms. Franz. The motion carried 3-0-1. (Ms. Modica abstained). Ms. Ellison asked that the minutes be updated to say Absent not No Present.

July 18, 2018 Meeting Minutes

MOTION: Mr. Plasko made a motion to approve the meeting minutes of July 18, 2018. Seconded by Mr. Shaw. The motion carried 3-0-1. (Ms. Modica abstained).

Executive Session: 6/11/18, 7/25/18, 7/3/18

June 11, 2018 Executive Session Meeting Minutes without release at this time

MOTION: Ms. Modica made a motion to approve the executive session meeting minutes for Monday, June 11, 2018. Seconded by Mr. Plasko. The motion carried 4-0-0.

July 25, 2018 Executive Session Meeting Minutes without release at this time

MOTION: Mr. Plasko made a motion to approve the executive session meeting minutes of July 25, 2018. Seconded by Ms. Franz. The motion carried 3-0-1. (Ms. Modica abstained).

July 3, 2018 Executive Session Meeting Minutes without release at this time

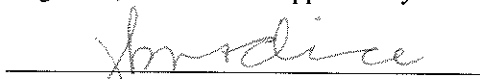
MOTION: Ms. Modica made a motion to approve the executive session meeting minutes for July 3, 2018. Seconded by Mr. Plasko. The motion carried 4-0-0.

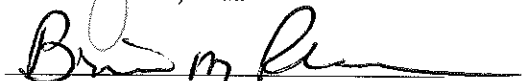
8. ADJOURNMENT:


MOTION: Ms. Modica made a motion to adjourn the meeting at 9:00 p.m. Seconded by Mr. Plasko. The motion carried 4-0-0.


Minutes respectfully submitted by Ellen Welch.

August 13, 2018 Minutes approved by the Board of Selectmen:


Jennifer Modica, Chair


Brian Plasko, Clerk


Susan Franz, Vice-Chair


Jeffrey Shaw, Selectman

Date Approved: 8/10/18