

**Town of Millbury
Minutes of
Sewer Commission Meeting
August 28, 2018
Executive Session**

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MILLBURY, MASS.

CALL TO ORDER

Joint meeting between the Board of Selectmen and Sewer Commission was called to order at 7:00 P.M.

Present: Katherine McKenna, Scott Despres, Christopher Naff, Mary Krumsiek, John Adams, Gary Nelson, Happy Erickson, Lisa Allain, Amy Paquette-Riordan and Christine Billington, Guest Brian Falk

Board of Selectmen went into executive session by roll call vote Katherine McKenna – Yes; Scott Despres – Yes; Mary Krumsiek – Yes; Christopher Naff – Yes; Jon Adams – Yes:

The Board voted unanimously to go into executive session under MGL c30A, Section 21 (a), Purpose 6, to consider the purchase, exchange, lease or value of real property, 8 Ward Avenue, if the Chair of the Board of Selectmen declare that an open meeting may have a detrimental effect on the negotiating position of this board.

The Sewer Commission went into executive session by roll call vote: Lisa Allain; Yes, Happy Erickson Yes; Gary Nelson Yes: to go into executive session under MGL c30A, Section 21 (a), Purpose 6, to consider the purchase, exchange, lease or value of real property, 8 Ward Avenue, if the Chair of the Sewer Commissioners declare that an open meeting may have a detrimental effect on the negotiating position of this board.

PUMP STATION ON WARD AVENUE

Brian Falk Towns Attorney spoke about the pump station stating that someone built the fence and generator outside of the survey lines, Mr. Samara is the owner of the land that this happened too. Gary Nelson asked what the original offer was and it was stated \$2,000.00 was offered to Mr. Samara and rejected.

Attorney Brian Falk talked about the meeting with the Sewer Commission and the Sewer Commission is in agreement to give Mr. Samara \$5,000.00 and feels that the Board of Selectmen should also give Mr. Samara \$5,000.00 in order to make this matter resolved.

Katherine McKenna asked what would happen if we took the property by eminent domain. Attorney Falk said if we take the property by eminent domain than it will have to go to town meeting and it would have to pass by a 2/3 vote and there is no guarantee that this will pass.

Scott Despres asked what it would cost to have the appraisal done again and it was stated that it would cost \$1,000.00.

Town Manager David Marciello stated that the current status of the account is above \$10,000.00 for the town to settle claims and they have not touched the money so the Board of Selectmen has enough to give Mr. Samara \$5,000.00

There was also talk about getting the contractors to put in 1/3 of the cost along with the Boards money that would make up the \$15,000 that Mr. Samara is looking for. Chairman Adams asked if Attorney Falk could send a letter to the contractors asking if they would put in 1/3 of the money that Mr. Samara is requesting.

Attorney Brian Falk stated that the Board should hold off giving Mr. Samara the money until they hear back from the contractors to see if they will be getting any money from them.

Katherine McKenna and Town Manager David Marciello agreed that \$10,000.00 is a good offer for encroaching on someone's property.

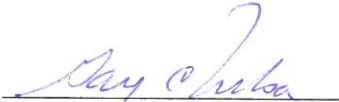
It was also stated that the cost of defense could be more than the retainer.

Mary Krumsiek made a motion to give \$5,000.00 to Mr. Samara from the Board of Selectmen and Katherine McKenna 2nd the vote. Roll call vote taken: Christopher Naff – Yes; Scott Despres – Yes; Katherine McKenna – Yes; Mary Krumsiek – Yes; Chairman Jon Adams – Yes.

Gary Nelson also made a motion to give Mr. Samara \$5,000.00 from the Sewer Commission Lisa Allain 2nd the vote. All in favor: Roll call vote taken: Gary Nelson – Yes; Lisa Allain – Yes; Happy Erickson – Yes.

Executive session ended 6:51 P.M.

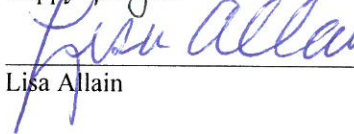
Respectfully submitted,
Amy Paquette-Riordan
Head Clerk-Sewer Department



Gary Nelson



Happy Erickson



Lisa Allain