

**TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
SELECTMEN MEETING ROOM**

August 14, 2018

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6:30 pm

MILLBURY MASS.

Present: Chairman Jon Adams, Vice-Chairman Mary Krumsiek, Scott Despres, Katie McKenna, Chris Naff, Town Manager David Marciello, Brian Falk, Frank Viladi, Dan Chauvin, Mr. and Mrs. Haynes, Laurie Rosemary Nelson, Jonathan Mansino, Anita Cashman, Anne Stockhouse, Steve Balistreri-*Millbury Sutton Chronicle*, and other concerned citizens

** Some of the agenda items and discussions may have been called out of order
~ as noted in these minutes ~*

6:30 PM Opening of the Meeting. Chairman Adams called the regular session of the Board of Selectmen to order at 6:30 PM.

6:30 PM. Executive Session:

Chairman Adams called for a roll call vote to enter in to Executive Session: motioned Krumsiek, seconded McKenna, roll call all aye, announcing that the Board would reconvene in open session thereafter.

7:00 PM Resume Regular Session: Chairman Adams called the meeting back into open session at 7:00 PM and led those in attendance in the Pledge of Allegiance to the Flag

7:01 PM Citizen Speak

Mr. Frank Viladi, Historical Commission, addressed the Board and spoke on rehabilitation of the South Main St Bridge and the history of the said bridge. He then presented a photograph from 1907 (on file and included here by reference) of the bridge when it was first being constructed.

Ms. Rosemary Nelson addressed the Board regarding her inability to reach the ACO and requested assistance and a change in procedures. The Town Manager informed Ms. Stockhouse that a new system ("See-Click-Fix") was being implemented as early as September and this system ought to remediate her concerns. It was further decided that the ACO's cellular phone number would be listed on the webpage.

Road Acceptances:

7:06 P.M. Vote and acceptance of Jessica J. Drive, Rollie Sheppard Drive and Bill Graham Lane as Public Ways: Orders of takings and signing of the Mylars

Motioned by Selectman Krumsiek, 2nd by Selectman Despres and voted all aye.

Public Hearings:

Informal Dog Hearing:

7:15 P.M. Dog - "Paisley"; Owner Mark Tetreault, address of owner/ dog 25 Linda Ave.

The Chair informed those in attendance that this was an informal dog hearing and that those in attendance would be granted the opportunity to be heard on the ongoing issues involving the dog,

Paisley, and any alleged violations of the Board’s standing orders (on file and incorporated here by reference).

The purpose of this informal dog hearing was to receive evidence and hear testimony of an alleged violation of the Board’s standing order (on file and incorporated here by reference) that Paisley:

- Would not be allowed to roam freely outside of the confines of the home or fenced in yard;
- When outside of the confines of yard, Paisley would be walked on a leash;
- Would be muzzled at all times outside of the yard

Said alleged violation was that Paisley had been walked without a muzzle.

Under the recommendation of Town Counsel, who was present at the meeting, the Chair asked anyone who could possibly address the Board to stand and be sworn-in. Various persons stood and took an oath that any testimony that they gave to the Board was the truth and made under oath.

First to speak was the Animal Control Officer, Dan Chauvin. He had earlier presented the Board in their packets a copy of a photograph depicting the violation: (on file and incorporated here by reference) To wit: A dog alleged to be Paisley being walked without a muzzle. He likewise had earlier presented the Board with an assessment of Paisley done and submitted by Bob Clark of Bob Clark’s Dog Training. (Paisley had been removed from the owner and placed in the custody of Mr. Clark for evaluation. His evaluation is on file and incorporated here by reference)

Said evaluation conducted by Mr. Clark determined that Paisley was healthy and did not show violent tendencies while in Mr. Clark’s custody. However, the evaluation did note and it was recommended that Paisley receive obedience training and required a clearly defined “leadership position.”

During discussion between the Board and Mr. Chauvin it was noted that the picture appeared to be taken in the colder weather as the walker was wearing a heavy coat and there was no grass or any leaves on the trees. The ACO could not specify when the picture was taken, but Ms. Laurie Anne Stockhouse stood and stated that she had taken this picture utilizing her cellular phone on February 25th which was after the January standing order. Moreover, if the Board so requested, she could present her cellphone to the Board with a date-stamped photo to that end. The Board took this under advisement.

Various potential options on how to proceed regarding Paisley were discussed and the Board opened the floor to anyone who wished to be heard on the subject. It was noted that Mr. Tetreaut was notified, in hand by a police officer, of this meeting. However, he was not in attendance. Selectman Krumsiek noted that this, to her, was concerning that he was not in attendance.

Selectman Despres inquired if any citations had been issued, to which the ACO responded that it was not his normal protocol to issue citations that he would then have to respond to court if appealed because it was his experience that the courts usually dismiss them “under the promise of future compliance.” Mr. Chauvin found this to be a waste of his time and resources which could be utilized more effectively and efficiently. Selectman Despres contineud that it was imperative to have a record of noncompliance and the Board expected citations to be issued in circumstances such as these. Mr. Chauvin acknowledged Mr. Despres’ concern.

Mr. Jonathan Mansino then gave testimony and noted that he wants Paisley permanently removed from the home and re-adopted elsewhere. Ms. Rosemary Nelson concurred with this recommendation. Ms. Anita Cashman added that she had personally witnessed the dog recently “escaping from the house” and that he had “opened the door himself and escaped.”

A motion was made by Selectman Krumsiek, 2nd by Selectman Naff and voted all aye to continue to keep Paisley in the custody of Mr. Clark until such time as a further determination had been made and to schedule an official Dog Hearing on August 28th to discuss the alleged violation, Mr. Clark’s findings and any other testimony regarding Paisley and to make any determination(s) and order(s) that the Board legally authorized and deem appropriate.

New Business:

7:10 PM Vote to Approve State Primary Warrant 9/4/18.

Motioned Krumsiek, 2nd Naff, voted all aye.

8:00 PM Drainlayer’s License – Orlando Excavating.

Brief discussion regarding the paperwork being in order: Motioned Despres, 2nd Naff voted all aye.

8:02 PM Nature’s Remedy Host Agreement, Amendment.

Town Counsel, Falk, addressed the Board and described the amendment which clarified the Agreement’s term: To wit- beginning when the doors opened and running 5 years subsequently. Brief discussion ensued. Motioned Krumsiek, 2nd Despres and voted all aye to accept the amended agreement and to have the Manager execute it.

8:06 PM STM discussion.

Discussion ensued regarding the Manager’s recommendation to schedule a Special Town Meeting to be held on 10/4/18. The Manager informed the Board that it was his recommendation to have this meeting in order to address any deficits in the budget due to lack of funding received from the state in the form of state aid. The Manager acknowledged that any deficit could be made up by receipts and/or growth reported on the Recap sheet. He further acknowledged that, based on the calculations to date, he anticipated receipts will be adequate to cover any deficit; however, he was unsure if the Town would have enough growth to cover any deficit. Moreover, the Manager reaffirmed his position that utilizing growth was an acceptable method, but it was his recommendation that receipts not be used. Therefore he requested that a Special Town

Meeting be scheduled so that the deficit could be covered by any combination of utilizing whatever growth was available with reductions made to the FY19 budget.

When asked where the cuts could come from, the Manager reiterated what he had stated at the Annual Town Meeting: He reminded the Board that the ATM assembly (on the Town Meeting floor) increased the schools' budget by \$120,000 on the assumption that this amount of state aid would be forthcoming. However, the state did not in fact allot this amount to Millbury. Therefore their actions caused a deficit in the budget. Moreover, the Manager further reminded the Board of his warning to the Town Meeting that any deficit caused by their budget increase and lack of subsequent state funding would automatically cause the need to schedule a Special Town Meeting in the fall for the purpose of reducing the school budget accordingly

Selectman Naff questioned the Manager's rational and wisdom to recommend scheduling a Special Town Meeting for the purposes noted. The Selectman reiterated his earlier position that utilizing the receipts seemed to be an acceptable and wiser approach. Moreover, he recommended that approach be utilized instead. Brief discussion ensued and Selectman McKenna concurred with Mr. Naff. The Manager respectfully disagreed for the record that this approach was not, in his determination and professional opinion, a fiscally-wise approach. Discussion continued and with a motion by Selectman Naff to not schedule a Special Town Meeting for the reasons he raised, seconded by Selectman McKenna, it was voted McKenna, Krumsiek, Naff and Adams Aye and Despres Nay.

8:28 PM One day liquor license: Stowe Farm - Jay O'Connor – various dates as presented and recorded in the file:

Very brief discussion – noted that the dates were on file in the BOS office. Motioned Despres, 2nd Naff and voted all aye.

Town Manager Report

The Manager had filed his financial state of the Town update to the Board with their packets. The Board acknowledged receipt of said report and requested that he table his Power Point Presentation until a future meeting: to which he accommodated said request. The remainder of his report was likewise submitted with the Board's packets and is incorporated here by reference.

Old Business:

8:29 P.M. Ramshorn Dam Parking discussion

Discussion ensued regarding the parking at the dam. What type of sign, what the sign ought to state and where to install the sign was broached during the discussion. The Chair abstained from discussion. It was ultimately decided that a sign(s) would be posted along the parking area stating that parking was prohibited between the hours of 10PM and 3AM. The Manager was instructed to inquire about the other signs that had been ordered and to further instruct the DPW

to order this sign(s). So moved Selectman Krumsiek, 2nd Selectman McKenna and voted all aye with the Chair abstaining from discussion, motion and vote.

Previous Minutes: July 24, 2018

Motioned Krumsiek, 2nd Naff and voted all aye.

Dates to Remember:

8/18 Last day to register for vote 8:30-8PM Town Clerk’s Office

8/22 Library soap making

9/7 11AM- 1:30 PM CareOne Annual Senior Luau

9/15 9AM-2PM Fall Flea Market 1st Congressional Church

9/15 1-6PM Annual Millbury Block Party

On a Good Note:

Congratulations to our Town Clerk for achieving the status of “Certified Massachusetts Municipal Clerk”.

Mail:

Adjournment:

Motion to adjourn by Selectman Krumsiek at 9:15 pm, seconded by Selectman Naff
Motion carried unanimously.

Respectfully Submitted:

David J. Marciello, Esq., MPA
ICMA-CM
Town Manager

Millbury Board of Selectmen:

Jon A. Adams

Mary Krumsiek

Scot Despres

Katie McKenna

Chris Naff