

**TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
MUNICIPAL OFFICE BUILDING- SELECTMEN'S MEETING ROOM**

January 28, 2014

7:00 p.m.

Present: Board of Selectmen: E. Bernard Plante; Francis B. King, Brian M. Ashmankas; Sandra J. Cristo; Mary Krumsiek; Town Manager, Bob Spain; Susan Spencer, *The Telegram*, Tom Reilly, *The Millbury-Sutton Chronicle*; Edd Cote, Denise Marlborough, Brian E. Turbitt and other concerned citizens.

Sarah Murray- The Millbury Parents Club is putting together a Fun Run-5K on April 13th. They are trying to bring in a different kind of fund raiser for the community and promote a healthy family activity. She has been coordinating with Lt. Desorcy and he has been a great help.

Motion to approve the Fun Run made by Selectman King, seconded by Selectman Krumsiek. Motion carried unanimously.

Tim Cluett, Chairman of the Youth Commission- spoke regarding their first year. They have had many activities and as of September they have the center at the McGrath Educational School. He would like to thank the Greater Worcester Community Foundation for a \$1000 grant for the Youth Commission. The Y.O.U., Inc. children are not there when the activities are in session. They have an average of grades 3 -8. They would like the older kids to be mentors for the younger kids. They average about 25 kids on a Friday night. All supervisors are cori checked and some are first responders; they ask parents to join them as well. The kids are signed in and out by a parent. They are looking to do movie night, roller skating and craft nights. The Millbury DI team-the Brainy Bunch spoke about their project raising money for the Youth Commission Valentine's Day Dance and did a great dance show for the Selectmen. Keegan Gleason, Ryan Gleason, Maxwell Kolifrath, Olivia Dana, Matthew Lorion and John Campbell. Tim Cluett asked to accept donations in the amount of \$160.00.

Motion to accept the donations made by Selectman Ashmankas, seconded by Selectman King. Motion carried unanimously.

The Manager is appointing Matt Brodeur to the Youth Commission.

Motion to concur with the appointment made by Selectman King, seconded by Selectman Cristo. Motion carried unanimously.

Tony Roselli of Roselli & Clark-Town Audit- explained the CAFR the town has done for the past two years- it is a very thorough document and available on the website. The management letter is a critical review of the department of finance. The town's books have been consistently good for the past 6 or 7 years. There are no longer any material deficiencies in the audit- it is boring. This finance team is top notch; Millbury is at the top of all the towns that

Tony does. A management letter was not really necessary this year. The OPEB liability is very high, but many towns are in this position of trying to get it funded. *see attached management letter.

Laurie Connors- Town Planner- Bark Park Donations are coming in and is up to \$4,743.50; fund raisers are still being planned for the goal of \$10,000 by June 1st. We have awarded the design contract to Waterman Design Group. They are on track for construction in the summer. There are two roadways going up for acceptance at town meeting this year. The first is Diana Hill Drive cul-de sac and she would like to start the layout process tonight. The second is Oakes Street-this one was left by the developer who walked away. The bond was not enough to fix it all-the berms were left off but the roadway is at correct thickness.

Motion made by Selectman Ashmankas to begin the process of laying out Oakes Street, situated south of the 1957 limit of acceptance of Oakes Street, in the northeastern section of the Town. Said roadway is shown on a plan entitled "Road Acceptance Plan" for Oakes Circle, Millbury, MA, prepared by Andrews Survey & Engineering, Inc., dated January 17, 2014, seconded by Selectman King.

Motion carried unanimously.

Motion made by Selectman Ashmankas to begin the process of laying out Diana Hill Drive, situated southeast of the 2012 limit of acceptance of Diana Hill Drive, in the southeastern section of the Town. Said roadway is shown on a plan entitled "Proposed Roadway Acceptance Plan, Diana Hill Drive and Taft Circle, Millbury, Massachusetts" prepared by S.E.C. & Associates, Inc., dated October 13, 2010, last revised December 10, 2013, seconded by Selectman Cristo. Motion carried unanimously.

Motion made by Selectman Ashmankas to forward the petition to accept the proposed layout of Oakes Street and Diana Hill Drive to the Planning Board for comment as to whether the roadways are ready for acceptance, seconded by Selectman Cristo.

Motion carried unanimously.

Motion made by Selectman Ashmankas to schedule a visit to view Oakes Street and Diana Hill Drive on February 8, 2014 at 9:00 a.m. The public meeting on the proposed acceptance of these roadways will occur on February 25, 2014 at 7:15 p.m., seconded by Selectman

They are trying to re-zone parcels on Canal Street from Industrial-1 to Business-1 as it would be more appropriate for the businesses there. There is also 86 acres of land on Providence St- north of the Sutton town line-half of the land is owned by Aggregate and the other half by Barday-the land in this area is great for industrial-great highway access, railroad corridor and not many environmental issues; right now is it zoned Business 2 or residential.

Mr. Spain mentioned that there is not a lot of land in Millbury for commercial/industrial businesses and mentioned some of the successes that have gone on in Millbury.

At town meeting she is asking to pass an expedited permitting bylaw so she can submit the plan to promote the industrial land on Providence Street for marketing on the state website. Priority development sites are given MassWorks funding money.

Ms. Connors spoke with CMRPC about using the technical money for this site. If they agree they will put a packet together from them and use it for applying for MassWorks grant.

CMRPC did a project with a marketing flyer to entice companies to choose Millbury for business which is on our website as well as information about a Millbury/Sutton Industrial park-there are challenges with the utilities on this parcel of land but the right developer could make it work.

She would also like to designate some additional land on Rt 146 for priority development in the future as well. Selectman King asked if this could be designated this year. Ms. Connors said it is possible. She has to get signoff from the land owners, have it approved at town meeting then send it to the state development board. The planning board is holding a public hearing on Feb. 24, 2014.

Motion made by Selectman King to send a support letter to the Planning Board for rezoning of Canal Street for Business I District, rezoning Providence Street for Industry I, designation of Providence Street and southern portion of Route 146 (land part of Millbury Sutton Industrial Park Feasibility Study) as Priority Development Sites and draft 43D Expedited Permitting Bylaw, seconded by Selectman Cristo.

Motion carried unanimously.

Jayne Davolio, Town Clerk, spoke regarding the Transfer Station Solicitation. She read the legal opinion from Kopelman & Paige. *see attached.

Selectman Ashmankas read from a memo from the elections division that stated the right to collect signatures on any publicly accessible municipal or private land and he thinks they should not ban it.

Tom Riley said that you cannot solicit signature in the post office but you can stand outside of it. He said that no one should be at the transfer station other than ones throwing their trash away.

Selectman Ashmankas does not believe they can legally ban it as it is freedom of speech and publicly accessible as the transfer station is accessible to all of the public; stickers grant the right to dump, not the right to enter. He suggested that they set regulations as to where the people stand. Mr. Spain said that in the interest of safety he would recommend to ban all solicitation. He has spent 20 years in the military defending people's rights to free speech but this is a safety issue.

Ms. Davolio said that she has worked in the clerk's office for 17 years and have received many complaints from citizens regarding the solicitations at the Transfer Station. She feels that it is her job is to uphold people's freedom of speech; but this is a safety issue and her main concern is the safety of all of the citizens. She would ask for prohibition of collecting signatures and

fundraising from the transfer station. Selectman Ashmankas said the reason non-profit groups go to the transfer station is the same reason signature gathers go; there is nowhere else where either can go where there is a steady stream of Millbury residents all at once.

Selectman Cristo said that you can set all the rules and regs you want, but who will enforce them?

Motion to ban solicitation at the transfer station as recommended by the Town Clerk made by Selectman King, seconded by Selectman Cristo.

Motion carried 4-1 (Selectman Ashmankas opposed)

Chairman Plante said that he and the other board members were concerned that someone would get hurt.

Previous Minutes:

Motion to approve minutes of the meeting for January 14, 2014 made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

2014 Drainlayer Renewals:

Aldore Tetreault & Sons, Inc., Mendon and Standard Builders, Worcester.

Motion to approve the renewals made by Selectman Cristo, seconded by Selectman Krumsiek.

Motion carried unanimously.

Town Manager Report:

Wheelabrator tonnage- the trend continues; five months in a row it is down-in two years we have shaved off over 500 tons! We are on pace to receive \$60,000 from Wheelabrator. We are very happy with the changes.

Congratulations to the citizens of Millbury!

Mr. Spain and Mr. McNeil are meeting with the Brookfield gentleman on the 31st regarding their highway equipment regionalization program.

The open meeting law seminar is set for February 13th at 6:00 pm in this room. Everyone is invited and encouraged to attend.

All budgets are in. The Governor's numbers are very disappointing. All forms of state aid including general and Chapter 70 are only up \$124,000 net. Our increase in retirement is \$163,610 alone. I am still working the final revenue estimates but this is going to be a very sobering budget year. To put this in perspective our general fund budget has gone up from FY09 to FY14 only 4.46%. Our state aid in that same period has dropped by 9.97%. As long as this trend continues we are going to have problems continuing service levels.

At this time, I cannot see any new positions this year for any department. We may be looking for a 2 ½ override this year- which he does not like. But our tank is empty.

We also have a problem with our Wheelabrator reimbursements, they have been using a wrong formula for calculations and it is not in our favor.

Dates to Remember:

Open Meeting Law Seminar on February 13, 2014 at 6:00 pm here

Nomination papers available from January 6 and turned in by March 11, 2014

On a Good Note:

Selectman Krumsiek wanted to thank the meals on wheels drivers- their dedication to the seniors in town is much appreciated!

Selectman King said that New England Newspaper and Press Association has awarded our local paper with three awards-Local Personality Profile and Religious issues by Josh Farnsworth and Serious Columnist-Tom Riley. Congratulations.

Susan Spencer is up for an environmental award regarding her series on the Blackstone River.

Old/New Business

Selectman Cristo was thinking about small business Saturday-she would like to establish a 5 member board, consisting of a small business owner, a citizen and someone from local government to get some thoughts together to help our small businesses in town.

Motion to get a committee together made by Selectman Cristo, seconded by Selectman King.

Motion carried unanimously.

Mr. Spain asked Selectman Cristo to write a charge for the committee and we will advertise.

Selectman King asked if he spoke to the Chief regarding sexual harassment officer. He did, the chief has no thoughts on it either way. Mr. Spain's concern with the Chief is that people are intimidated by a police officer questioning them and conducting the investigation. Selectman King doesn't like the fact that all of the sexual harassment officers answer to the Manager. Selectman Ashmankas said that he would like an outside person to be an officer. Mr. Spain explained that the sexual harassment officer just does the investigation and the appointing authority hands out the discipline after talking to council.

Selectman King asked if the DPW found out why the water was flowing by Brierly Pond.

Selectman Ashmankas asked to set up another workshop for goals and objectives for the manager. They set the Workshop for February 18th at 7-pm.

Selectman Ashmankas told the board about the MMA conference that he, Selectman Cristo and Selectman Krumsiek went to. There is a free economic development analyses from the Massachusetts Marketing Partnership. All the Governor candidates spoke.

Selectman Cristo said that it was good networking. She and Selectman Krumsiek spoke to two selectmen from Somerville; they have two dog parks and they are well attended. Selectman Krumsiek said that it was fun sitting next to the Leominster City Council members. They had an open conversation regarding the slot parlor.

Chairman Plante asked a question about the legal bill and when the insurance company will take over.

Mail:

Letter regarding donations to bark park totaling \$305.00.

Motion to accept the donations for the Butler Farm Bard Park made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

Letter from the Town Clerk, Jayne Davolio, asked the Board to appoint Gloria Shimkey as a permanent poll worker.

Motion to appoint Gloria Shimkey as a permanent poll worker for the 2014 election year made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

Letter from the Friends of Asa Waters regarding repairs and renovations to the wrought iron fence totaling \$1,988.00 at the Mansion.

Motion to accept the donation made by Selectman

Letter from the Fire Chief regarding a \$1,000.00 donation from Millbury Savings Bank and \$50 from Maureen & Tom Boyda.

Motion to accept the donation made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Letter from the Police Chief regarding a \$1,000.00 donation from Millbury Savings Bank.

Motion to accept the donation made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Adjournment

Motion made by Selectman King to adjourn at 10:10 p.m., seconded by Selectman Cristo.
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

E. Bernard Plante

Francis B. King

Brian M. Ashmankas

Sandy J. Cristo

Mary Krumsiek

The Board of Selectmen