

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

RECEIVED  
TOWN CLERK  
7:00 pm  
17 APR 13 AM 11:21

**March 28, 2017**

Selectmen Present: Chairman Francis B. King, Sandy Cristo, Mary Krumsiek, Scott Despres, and Jon Adams  
Town Manager David J. Marciello, Town Clerk, Jayne Marie Davolio, Finance Director, Katie McKenna, Steve Balistreri-*Millbury Sutton Chronicle*, Susan Spencer-T&G

The Town Clerk has asked to have Wilfred A. Kirkman Jr. appointed as a Permanent Poll Worker

Motion to appoint Wilfred A. Kirkman, Jr. as a Permanent Poll Worker made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

The Town Clerk has asked to have Elizabeth C. Kotzen appointed as a substitute Poll Worker

Motion to appoint Elizabeth C. Kotzen as a Substitute Poll Worker made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

**Drainlayer License to Lay Drains-LTI-** Lawrence Thuot, Shrewsbury and Wall Construction-Russell Wall, Shrewsbury.

Motion to approve the Drainlayer Licenses for 2017 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

**Annual Lions Club- Carnival & Road Race**

Annual Carnival at Windle Field beginning Friday, June 30th through Tuesday, July 4th.

The fireworks event will take place on July 3rd and 4th; rain date will be July 5th.

Tuesday, July 4th the Annual Millbury Road Race that begins at the high school and ends at Windle field

Motion made by Selectman Cristo to approve the Lions Club Carnival and Firework, seconded by Selectman Despres.

Motion carried unanimously

**Application for Transfer of Class II License-Fastway Auto-**  
Ednei Pimenta to Martha Fernandez

Selectman Despres asked if the owner will be on site. Are all the cars that are currently there is part of the deal. They will get new vehicles to sell. Selectman Despres said that we have a list of complaints about this business and unhappy customers, are the people who are responsible for those complaints still in business there. The business has been sold, Ednei Pimenta has left; this is a totally new management. Mr. Marciello said that there needs to be a bond in place before they can pick up their license. Selectman Krumsiek asked if the temporary banners and signs have been taken down per the building inspectors request. Chairman King asked if the manager is the same as when we got the complaints; yes, he will be the same.

Selectman Despres asked if the chief can let us know if there are issues as soon as they happen. Chairman King asked Mr. Marciello if there was a way we could issue a temporary license to ensure that the business is running smoothly and the complaints have dissipated. Mr. Marciello said that the board could table the matter until he researched it and he will report the board's options at the next meeting.

Chairman King continued this matter until April 11, 2017.

**Previous Minutes:**

Motion to accept the minutes of the February 28, 2017 Regular Selectmen Meeting made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to accept the minutes of the March 8, 2017 Regular Selectmen Meeting made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to accept the minutes of the March 20, 2017 Regular Selectmen Meeting made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

**Town Manager Report**

Mr. Marciello is appointing Steven Trottier as a Constable for the town of Millbury.

Motion to concur with the appointment made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Mr. Marciello is appointing Ann Hancock to the Emergency Management Agency for the town of Millbury.

Motion to concur with the appointment made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Mr. Marciello is appointing Susan Ainsley and Pam Adams to the Millbury Dog Park Committee

Motion to concur with the appointments made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously (Selectman Adams abstained as to Pam Adams)

Mr. Marciello said that he is filling open positions and he is appointing Diane Green as a Jr. Clerk in the DPW office.

Motion to concur with the appointment made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Mr. Marciello is appointing Linda Donovan as a General Clerk for the Town Clerk's office. Motion to concur with the appointment made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously

Mr. Marciello informed the board that they are going to need a special selectman meeting before April 4th at 5:00 pm to approve the warrant articles.

Mr. Marciello, Jayne Davolio and Katie McKenna went over each Warrant Article. \*attached is the draft warrant.

Selectman Despres asked if the amount of the RE Shaw feasibility study will be on the ballot question. Ms. Davolio answered that we cannot put an amount on the ballot; the school will inform every one of the amount before the election.

The article for \$50,000 Master Plan may be taken off as we have money from last year that still has not been used.

The article for 40u will be passed over this year but left on the warrant for discussion. We have to do the by-law and policy at the same time.

**Attorney Jonathan Silverstein- KP Law with Attorneys Lauren Goldberg & Joseph Fair. Proposal for town council.**

They pioneered the representation of municipal law. They are on the forefront of information and educating their clients. Attorney Silverstein is the primary contact, you get all the benefits of being with a huge firm, but you have a single point of contact with a cell phone, he is available anytime you need him. Retainer \$48,000/year for contracts, bylaws, opinion letters; labor council would add another \$24,000 retainer; hourly \$185.00; the fees will be capped at \$150,000.00/year. We feel we can make a seamless transition and we would be happy to come back to the town. Selectman Adams asked if the labor/employment was added would the cap go up by \$24,000? No, it would still be \$150,000.00 for the cap. Mr. Marciello said that he can speak very highly of the three attorneys before you; they are all top-notch attorneys.

Mr. Marciello gave the selectmen the proposal from Murray, Hesse, Toomey & Lehane; they have proposed an annual flat fee of \$120,000; an hourly rate of \$225/hr \$110/hr for paralegal fees. Fees such as filing fees, expert witness fees, overnight delivery fees and computerized research fees are billed at actual cost. No charge for mileage for the first 50 miles of travel. Mr. Marciello recommends changing to one of the two firms and change as of July 1, 2017,. Chairman King asked to take the information under advisement.

**Town Manager Report Continued:**

We are moving forward with 4 finalists for the Asa Waters Mansion Director. He has formed a committee and meeting tomorrow for the interviews.

He today received the HR Director job description so that will be posted soon. Chairman King thought that Mr. Plante and Mr. Meyers had already done a job description. Mr. Marciello said that when he spoke to the superintendent he did not have anything put together.

Chairman King asked if Mirick O'Connell was asked to put in a bid. Mr. Marciello said that he did not ask them as he does not agree with their billing and the way things have been done. The Board asked him when he interviewed how he would tackle the exorbitant bills and this is how he would do it. He would request the board to defer the decision to him although it is the board's appointment.

He will be reaching out the Carpenters Training School for a start date of the building of the office for the HR Director since that will be posted soon. The back stairs will also be started by them as soon as the weather cooperates. He is also looking into the lighting issue in the front of the building. The Disability Commission has asked him to consider the sidewalks in the center of town where they are not compliant. We have temporary ramps that are compliant that we will install for the summer and then come up with a plan with the DPW and Town Planner. He is looking into the Complete Street grants that we can apply for with the Community Compact. This grant is what it seems, to complete a street, i.e. granite curbs, benches, bike paths, etc. He is cautious about getting some grants that may tie the hands of the community down the road. He needs to weigh the good/bad. Chairman King asked about the lower common project and adding parking. Mr. Marciello will look into that; he does not think it covers parking or streets.

We have proceeded with health care changes to move forward with lower rates for the budget.

After town meeting he will start taking about his policy changes and his organizational chart.

Mr. Marciello thinks cameras might help for the blind people crossing the street in the center of town. Selectman Adams thinks "no turn on red" signs could work for that intersection.

Mr. Marciello meets every Tuesday with the Ramshorn Dam contractors. The gate is installed and they are not pumping out. The level is rising and at appropriate levels. He is intent on staying on budget. He is not concerned about the timeline, he is most concerned with the budget.

Tomorrow is the bid for electricity rate; he will be waiting by the phone for the call from Stefano, our consultant. He will take the recommendation of Stefano as he is the expert.

Selectman Krumsiek said that the WRTA wants to eliminate Saturday bus #22 run which is Howe Ave. They are having a public hearing here Thursday, April 6th at 3:00 pm.

Chairman King asked to go over Chief Desorcy's Goals and set a new date to make new goals for him. After Town Meeting, they will sit to set up goals with the town manager.

Mr. Marciello would like the endorsement of the Board to adopt health care changes.  
Motion by Selectman Despres pursuant to MGL Ch.32b seconded by Selectman Cristo.  
Motion approved 4-1 (Selectman Krumsiek opposed).

Motion to adopt the Pothole Policy made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

**Chairman King read Dates to Remember:**

**April 1** Winter Color Guard Finals DCU Center, Worcester, starting at 8:00 AM

**April 7 & 8** Art in the Valley Elmwood Street School, 6-8 PM April 7, 10-Noon April 8

**April 6, 7, 8 & 9** MHS Drama Club presents "Sister Act"

Shows at 6 PM Thursday, 7 PM Friday & Saturday, 2 PM Sunday MHS Auditorium.

**On A Good Note**

Congratulations to the Millbury Girls Basketball Team on their undefeated season.

Congratulations to two Millbury families whose kids graduated from the Mass Fire Academy; Taylor Belsito and Matthew Anderson.

**Citizen Speak**

Dennis Leonard spoke regarding the road pavement plan for the South Main Street area. He sat down with the town manager and had a nice discussion; it is getting late and the roads need to be done.

Chairman King set the meeting to approve and sign the Warrant for Monday, April 3th at 5:15 pm.

The Chairman announced the Board will be going into Executive Session and will come out to only adjourn.

Motion made by Selectman Cristo, seconded by Selectman Krumsiek to move into Executive Session at 8:55 p.m. under Chapter 39, Section 23B, ¶3 to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares re: Town Manager Contract

The Chairman declared.

Selectman Adams	- Yes
Selectman Despres	- Yes
Selectman Krumsiek	-Yes
Selectman Cristo	-Yes
Chairman King	-Yes

Motion to adjourn by Selectman Krumsiek at 8:17 pm, seconded by Selectman Adams.  
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

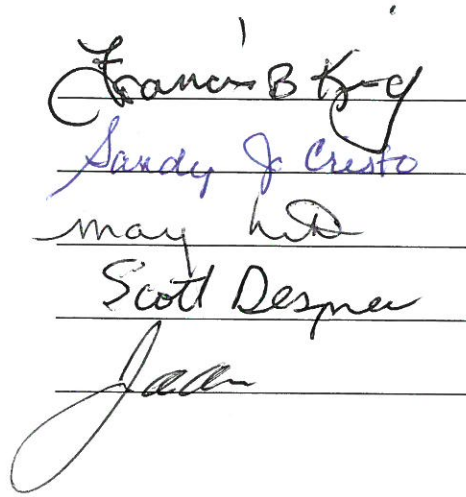
Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon Adams

  
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