

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

May 13, 2014

7:00 p.m.

Present: Board of Selectmen: Francis B. King; Sandy Cristo; Brian M. Ashmankas; Mary Krumsiek; William Borowski; Town Manager, Bob Spain; Joe Coggans, Tom Reilly, *The Millbury-Sutton Chronicle*; Edd Cote, Doreen Thornburg and other concerned citizens.

Chairman King opened with the Pledge of Allegiance and welcomed new Selectman Bill Borowski. Selectman Borowski thanked everyone and is looking forward to working with the Board and Town Manager. Chairman King said that there will be some challenges ahead but we will approach them together one at a time. He would like a roll call for each vote.

Approve and Sign- the bond for the fire rescue truck in the amount of \$290,000.00.
Motion made by Selectman Borowski to approve and sign, seconded by Selectman Ashmankas.
Vote by roll call vote- All approved

Approve and Sign- the bond for the school technology equipment in the amount of \$175,000.00.
Motion made by Selectman Borowski to approve and sign, seconded by Selectman Cristo.
Vote by roll call vote- All approved

The Board of Appeals has requested appointment of an alternate, Ken Perro, 7 Wingfoot Lane.
Motion to appoint Ken Perro as an Alternate for the Board of Appeals made by Selectman Ashmankas, seconded by Selectman Cristo.
Vote by roll call – All approved

One – Day Liquor License-Beer & Wine only- Blackstone Valley Chamber of Commerce at Fidelity Bank on May 29, 2014 from 5:30 pm – 7:30 pm.
Motion to approve the license made by Selectman Ashmankas, seconded by Selectman Borowski.
Vote by roll call – All approved

One – Day Liquor License- Miss Massachusetts Gala at Asa Waters Mansion on May 18, 2014 from 5:00 pm – 7:30 pm.
Motion to approve the license made by Selectman Ashmankas, seconded by Selectman Borowski.
Vote by roll call – All approved

One – Day Liquor License- Struck Catering at Asa Waters Mansion on May 21, 2014 from 6:00 pm – 9:00 pm.

Motion to approve the license made by Selectman Ashmankas, seconded by Selectman Borowski.

Vote by roll call – All approved

Chief of Police-Kenny Howell

7:06 pm- Chairman King recused himself as he is a firefighter. Vice Chairman Cristo took over.

Vice-Chairman Cristo asked Chief Howell to explain why the five special police officers were let go. Chief Howell said that he does not want to talk too much about the personnel issue, but he was made aware of the law and he researched it, and found out that he was not allowed to have officers over the age of 65.

Selectman Borowski said that it is the chief's job to enforce the law, and asked when he found out about the law.

Chief Howell said that it was brought to his attention by some citizens sometime in February. The five gentlemen that are here tonight was not let go because they were not good at their job, they were let go because the law says they cannot work in law enforcement after age 65. He feels that there was some sort of circumvention of his authority by these five gentlemen and the selectmen.

Selectman Ashmankas said that this board appointed you to be a strong chief and agreed to allow you to run the operations of the department; he then asked if the Chief thought there should be a special town meeting to change this law. The Chief is not for a special town meeting and he went with the advice of counsel to terminate the appointments. They were good employees, but the law is the law. There is no need to rush into this, it only benefits five employees and he does not think the town should be burdened with the expense of a special town meeting; he has over 30 applicants already. He wants to know why the law was implemented before he can move forward with this. He cannot support it without thorough research.

Selectman Ashmankas said that he would not want to move forward with a special town meeting without the chief's approval as he feels it would be to overstepping their authority.

Selectman Borowski broke it down to 1) was the law followed; 2) is it a just law; if we think it is unfair then 3) how can we change it? Other towns have changed it to age 70.

Selectman Krumsiek asked the difference between a special and a foot patrol officer.

Chief Howell said that they do not just do traffic-they are a police officer at that time. He does want to know why this law was written. He will not support a change right now- he has not researched it enough.

Mr. Alexanderwicz asked if the law specifies between part-time officers and full time? No, it does not.

Selectman Borowski would like to do a home rule petition to change the law and the different avenues for it. He thinks the law is unjust and feels as if it is a policy change. Selectman Ashmankas said that hiring, firing, retiring is operational not policy.

Selectman Borowski said that the law is unjust and they can change that law.

Chief Howell asked for them to find out what the reasoning is behind this law before making a decision. You need more information to make a decision, not rush to judgment; he does not see a major benefit to our town. Selectman Ashmankas said that we should ask for the further research and find out the reasoning before we make a decision. Selectman Krumsiek said that we should petition the state to change the law; 65 is young now. Selectman Borowski said that the law is unjust, many other towns have changed it and we could do it to change the law.

Donald Rajotte asked when the law was enacted. There should be some reward for their time and service; we should stand up for them. 65 is not old anymore.

Joe Coggans spoke about making it right. There is no age limit on being a state police officer. This is now beyond the chief; he thinks having a special town meeting is the right thing to do. He knows all of the men very well. They were good at their goods.

Selectman Krumsiek asked what the requirement of a special police officer are? Do they have to do physical training?

Chief said they do have to do the required training but not the physical assessment. They may have to back up another officer at any time.

Bill Wilkinson, one of the five that is over 65 whose appointment was terminated, spoke regarding the state police where there is no age limit. They are asking the selectman to call a special town meeting; if they do not do it they will get the required 200 signatures and call it themselves. He introduced his fellow retirees; Gerry Kelly-67; 32 years on police department-never took a sick day, US Army Veteran- disabled, holds a master's degree; special police 12 years. Fred McConaghy-65, 30 years Chief of Probation, special police since 2002; 6 years Air Force, 8 years sheriff department; Al Bourget- 67, 37 years on Holden Police; US Marine for 3 years, 13 months in Vietnam; 2 years special police. Ron Richards, 32 years Millbury Police; 6 years in Marines; Sheriff Department 10 years; special police 12 years. Bill Wilkonson-66; 32 years Millbury Police; Marine; Disabled vet.

Mr. Wilkinson said they had a two hour notice and their jobs ended. Lt. Desorcy said told them that he has been investigating since January; why did he not try a home rule petition. He thinks they fired him after the town warrant was closed and he thinks it was deliberate. They went to the Manager and he wouldn't open the warrant. Mr. Spain clarified that he could not open it by law. Mr. Wilkinson said that a special town meeting would only cost \$1200.00. He wants the board to call a special town meeting to help him out.

Selectman Krumsiek read a letter from the Board of Fire Engineers noting their opposition to changing the law.

Don Rajotte suggested a fitness test.

Motion by Selectman Borowski made a motion to call a special town meeting no later than September 19. There is a danger of not getting a quorum in the summer months.

Chief Howell asked why you are honoring the Fire Chief's opinion but not the Chief of Police's opinion. What would the language be in the home rule petition? This will now cause the Chief of Police problems. The Chief of Police is a strong chief and does not want this changed right you.

Selectman Borowski wants to change the law for special police officers only; there is not a special police equivalent for fire fighters. Selectman Ashmankas asked if they knew why the law was worded; we went through a process to get the best chief possible and he said that he made a commitment to the Chief through our search that we would uphold him as a strong chief and he cannot go back on his word.

Mr. McConaghy said this is not firefighter's vs police officers; we just direct traffic 90% of the time. We are not running into burning buildings and we would step in, like a citizen would do, if necessary.

Selectman Borowski said that this is not an indictment of the Chief; this would allow special police officers to continue to work. He wanted to reiterate his motion to call a special town meeting no later than September 19, with warrant language such as Fitchburg has to raise the retirement age, seconded by Selectman Krumsiek.

Vice-Chairman Cristo said that it appears that some people knew about this law months before and if this was brought to the attention to the board of selectmen when it was being investigated something could have been done before town meeting. It is a professional courtesy to let us know what is happening in our departments. She thinks the special police deserve a chance. Selectman Ashmankas said that we should yield to the Chief's decision as a strong chief regarding operational procedures.

Roll call vote was called; Selectman Borowski-Yes; Selectman Krumsiek- Yes; Selectman Ashmankas-No; Selectman Cristo-Yes.

Motion carried. 3-1-1 (Selectman King recused himself)

Selectman King returned at 8:00 pm

Mr. Spain said that he thinks it is a tragedy that a speaker is allowed to call him, Lt. Desorcy and the Chief liars and to question their integrity; he takes great offense. It is amazing how we go to bat for some and not others.

Selectman Borowski said that it is not acceptable; there should be professional courtesy and ad hominem attacks have no place on this Board.

Previous Minutes:

Minutes of the meeting of April 22, 2014

Motion to approve the minutes of April 22, 2014 made by Selectman Cristo, seconded by Selectman Krumsiek.

Roll call vote carried 4-0-1 (Selectman Borowski abstained)

Minutes of the meeting of May 6, 2014

Motion to approve the minutes of May 6, 2014 made by Selectman Ashmankas, seconded by Selectman Borowski.

Roll call vote carried unanimously.

Town Manager Report:

Mr. Spain attained a procurement class on advanced topics. He is a MCPPO and must attend classes to keep that up.

We are in the process of changing over to Fallon-open enrollment is ongoing. We try to make sure that everyone is signed up. Brian and Denise do a great job getting everyone signed up.

We are still trying to get the HVAC fixed; week before town meeting we spent \$4000 fixing it; we are trying to get extra grants. Chairman King asked if we could use the Wheelabrator grant for this type of thing; Mr. Spain will ask DEP. This is something that needs to be done, the other two can wait. Hopefully next year's free cash will help.

The vote on Brierly Pond for eminent domain kills that project. Selectman Borowski asked if DOT does own part of it. We believe they do. Selectman Borowski asked for diligence in pursuing ownership.

Chairman King said that we were directed by counsel to take this by eminent domain. We cannot fix the dam if it is on private property.

Selectman Ashmankas said that we cannot spend free cash on the transfer station until we reach 20% in roads.

The information that Mr. Cristo asked for regarding engineering fees is in your books and we will send a copy to Mr. Cristo.

The biggest engineering cost is \$107,000 for Ramshorn; we now have done the pump stations in groups which has been much cheaper than doing one.

Old/New

Selectman Cristo asked about the in-house attorney committee and if they have met.

Brian Turbitt said that the committee is important to him but there were more pressing matters at that time with the \$1.5 mil deficient and the health insurance changes. They will endeavor to get that going again. Selectman Cristo asked if they had enough members. The only one that they were missing was the Board of Appeals Chairman who recently changed.

Selectman Krumsiek did not mean any disrespect to the Manager for seconding the motion for the special town meeting; she meant to have the home rule petition for future officer. Mr. Spain said that he did not think there was any disrespect from Selectman Krumsiek.

Selectman Borowski wanted to thank Mr. Spain and Kevin Krassopoulos for putting the photos of the sex offender list on the cable channel.

Selectman Borowski would like to ask for a full operational financial presentation and plans for the transfer station in June, inclusive of all revenues and expenses as well as the transfer station improvement plan.

Selectman Borowski would like to discuss the wayfarer signs on 146 and have Redevelopment Committee Chairman Len Mort in July to discuss the sign by-law.

Selectman Krumsiek said that there is a law that specifies that you can summarize on the ballot questions. She will forward it to Mr. Spain for his review.

Chairman King read Dates to Remember

Wednesday May 14th at 3 PM -Bingo Social at VFW for Cancer Aid & Research

May 15th - May 23rd "Spirit of Blackstone" Lens & Canvas Art Show at the Millbury Library

Saturday May 17th from 9AM to 2 PM Millbury Federated Church Yard Sale

Saturday May 17th at 7 PM 1st Annual Butler Farm Dog Park Poker Tournament

Sunday May 18th at 10 AM Masonic Road Race - begins at Millbury High School

On a Good Note:

Selectman Krumsiek thanked the Millbury honor students and troops 109 and 110 for helping the Veterans Council putting flags on the cemetery.

May is Lyme Disease awareness month. Check yourself for ticks.

Chairman King wanted to convey the great job Ed Santon is doing with the rehab of the building on West Main Street.

Chairman King said that William Trembly would like to do an essay contest for Troop 109 and would like to have the selectmen judge the contest.

Selectman Ashmankas reminded everyone that tomorrow is Student Government Day.

Mail:

Letter from Town Clerk, Jayne Davolio, requesting appointment of Shirley Gaboriault as a Permanent Poll Worker.

Motion to appoint Shirley Gaboriault as a permanent poll worker made by Selectman Ashmankas, seconded by Selectman Cristo.

Roll call vote carried unanimously.

Letter from the Lions Club requesting permission for the Carnival -July 2 – July 5 and Fireworks July 4 & 5 with a raindate of July 6.

Motion to approve made by Selectman Borowski, seconded by Selectman Krumsiek.
Roll call vote carried unanimously.

Letter from Rev. J. Clifford Davis, Jr. for the Millbury Federated Block Party to be held on September 20, 2014; permission to close road from 12 pm – 7pm. The Block Party is 1 – 6.
Motion to approve road closure made by Selectman Ashmankas, seconded by Selectman Cristo.
Roll call vote carried unanimously.

Thank you note from the Brainy Bunch for the donation from the Selectmen. They have raised enough to compete at the finals in Tennessee.

Letter from DPW Director, Rob McNeil requesting National Public Works Week to be held May 18-23, 2014.

Motion to approve DPW week May 18-23, 2014 made by Selectman Borowski, seconded by Selectman Cristo.

Roll call vote carried unanimously.

Selectman Krumsiek read a Proclamation for National DPW Week.

Letter from the Fire Department regarding a donation from the Strafford Family in memory of their dad earmarked for the self-contained breathing apparatus in the amount of \$25,000.00.

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

Motion carried by Roll Call Vote 4-0-1 (Selectman King abstained)

Chairman King asked for a moment of silence for the Police Officer from Brentwood, NH who lost his life in the line of duty.

Executive Session

Motion made by Selectman Cristo, seconded by Selectman Ashmankas to move into Executive Session at 8:50 p.m. under Chapter 39, Section 23B, Paragraph 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.

Selectman Cristo	- Yes
Selectman Krumsiek	- Yes
Selectman Ashmankas	-Yes
Selectman Borowski	-Yes
Chairman King	-Yes

Chairman King announced the Board would return only to adjourn.

Adjournment

Motion made by Selectman King to adjourn at 9:05 p.m., seconded by Selectman Ashmankas.
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Brian Ashmankas

William Borowski

The Board of Selectmen