

Amended

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

June 23, 2015

7:00 pm

Present: Board of Selectmen: Francis B. King; Sandy Cristo; Mary Krumsiek, Brian M. Ashmankas; William Borowski; Town Manager, Bob Spain, Edd Cote, Tom Riley and other concerned citizens

Chairman King called the meeting to order

Chairman King thanked everyone for working in the town hall without AC and asked the manager to do whatever he can to keep them comfortable.

One Day Liquor License- Asa Waters Mansion- Special Occasions Services- July 3, 2015

Motion to approve the one day license made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

Robert D. McNeil- spoke regarding a vote that he needs for some drainage easements for Wedgewood Lane; 2 of the 3 are areas currently have drainage infrastructure; the 3rd is property that they worked with the homeowner for additional drainage; Chairman King asked if the homeowners were on board with this project. Mr. McNeil said that they have worked with the residents. Selectman Borowski asked about the neighbors and if they are still against this project becoming a t instead of a circle; Mr. McNeil met with the Watkins and explained the project to them; they understand what it going on, but they do not like it. Mr. McNeil is addressing the drainage issues there and he thinks this will be a much better design. The amount of runoff will be lessened due to less asphalt; there will be more grass/gravel to absorb the water.

Selectman Cristo asked if all of the safety vehicles can turn around on this t-street. As part of the design process they discussed this with the Fire Chief; she then asked about the mail trucks delivering; the postmaster is in favor of a centralized postal drop off; the residents were not; but any vehicle can maneuver through this road. Selectman Cristo then asked if the width of the road is changing; the width of this road varies and we are making it a uniformed width.

Motion sign the Easements made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

Uno Chicago Grill-New Stockholder/Officer/Director

Selectman Krumsiek read the hearing notice into record at 7:20 pm.

Tish explained that this is an ABCC approved application; we had to advertise this change and sign a Form 43 to send into the ABCC.

Motion to close the public hearing made by Selectman Borowski, seconded by Selectman Cristo.

Motion carried unanimously.

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

Motion carried unanimously.

7:25 pm **Melanson Dog Bite;** Selectman Krumsiek read the letter sent to Mr. Melanson

Chairman King asked everyone who was going to speak on this matter to stand and swore them in.

15 JUL 20 11:17 AM
TOWN OF MILLBURY

ACO Daniel Chauvin spoke about June 7th when Alex Melanson and his friend were playing fetch at Windle field with Mr. Melanson's 6 mos old pit bull dog; when they stopped playing fetch, the dog went for the ball and did bite Mr. Havolatie in the genital area requiring 30 stiches. By all accounts this was an accidental biting, but the severity of this bite troubles him. He would like to know what the Melanson's are doing to ensure this does not happen again, and he would like to know what the board would like to make sure this does not happen again. He suggests training as he does not want to hear about this dog again.

Rusty Murray- her son is Brandon Havollatie; she wants to know what the Melanson's are going to do about this; she does not dispute this was an accident-but she would like to make sure this dog does not bite again.

Selectman Borowski said that with a muscular dog requires much more responsibility. He then said he has no tolerance for second offenses. He will be recommending very strict conditions. Mr. Melanson said that it is his fault that he left him off the leash-he takes full responsibility and is going to send him to training at PetSmart.

Ms. Melanson-Alex's mom said that this is a very good dog. The Father, Mark came over to Mrs. Murray's house and told them he was getting rid of the dog. Ms. Murray is very worried about future incidents; it wasn't a nip-it required 30 stitches.

Selectman Borowski does not want a vicious dog in town. ACO Chauvin said the new law you can only kill the dog or deal with it.

Chairman King asked why there was not a police report filed on this bite; the selectmen require a police report for every dog bite. Ms. Murray explained the extent of his son's injuries and how much pain and mental anguish her son is going through. Selectman Borowski asked Ms. Murray what she would like to see; she said she is not for putting him down, but she does not want him around here, she would like him to go to some pit bull training. Mr. Melanson has signed him up for training and is getting him fixed, which will calm him down. Ms. Murray said she does not want this to happen again, one more time could be disastrous. Does the board want to do a what if? ACO Chauvin said that what he has heard about PetSmart training is that it is obedience training; he would suggest Bob Clark's training in Northbridge-he has trained K9's, military dogs, and he also assesses dogs; he would like the dog professionally assessed for 5 days by Mr. Clark; he is very trustworthy; if Mr. Clark feels that there is hope for this dog then he will train the dog with Mr. Melanson. Chairman King would like the dog evaluated by Mr. Clark at the Melanson's expense and then come back to our meeting with a report if this dog is vicious or can be worked with. Mr. Spain suggested because our next meeting is not for 3 weeks, that when not at Mr. Clark's kennel the dog be muzzled and leashed at all times when out of the house.

Selectman Borowski asked if Mrs. Murray was ok with these conditions. She said she was fine with these initial conditions.

ACO Chauvin explained that if they violate the board's decision it then becomes a criminal offense.

Motion made by Selectman Ashmankas to have the dog boarded for 7 days and evaluated by Bob Clark as soon as possible at the owner's expense; when the dog is outside of the house the dog must be leashed and muzzled at all times, seconded by Selectman Borowski.

Motion carried unanimously by roll call vote.

Mr. Clark will give a report to the selectmen at their July 14th meeting.

Motion to continue the public hearing to July 14th made by Selectman Borowski, seconded by Selectman Cristo.

Motion carried unanimously.

Rob McNeil gave a DPW update- they have started the milling and pavement project on Alpine, Elmwood Terrace and part of Elmwood Street; this will be done before July 1. There will be a gap in the paving so to leave the area for the Elmwood Street pump station project which is scheduled for mid-August. The sewer commission has revised their rules and regulations and closed their public hearing; they have continued their sewer rate public hearings to make sure anyone who wants to comment can. The next RAC meeting July 15th at 6:30-this is an important meeting-reaching out to the Gilbert Way residents to discuss their project. They are considering the following projects given the budget-Gilbert Way including section of West Main Street; from Stone Road to Auburn town line; Stone Road to Carleton Road; and Wheelock Ave. Began investigations with Latti Farm Road of many issues up there related to the original construction, they are also looking at Wedgewood Lane and the S. Main Street area roads. Selectman Cristo reported that the common was looking shabby with weeds and overgrown bushes. The dpw will be spraying the sidewalk gutters in the 2nd week of July; Stump grinding is out to bid-will begin about a month after the bids are open in the middle of July. The tree warden does a great job of taking care of decaying or dead trees; they do not do a handful of stumps annually-they try to wait until there is a full list to put out as a lump bid. Selectman Krumsiek asked how the food waste program is going at the Recycling Center; he has had a lot of good feedback and he thanked Susan Spencer for doing a great article on it in the T&G. He applauds the staff for stepping up and getting it done; they are cleaning out buckets that they have and giving them to residents to fill up with food scrapes; some people freeze the waste to cut down on odors. Casella who has our recycling contractor and construction debris donated the 96 gallon tot and signage-so thank you to them.

Town Manager Report

End of the year adjustments between budgets; this year we have four 33b transfers; any money that is not used goes into free cash.

Transfer \$3000 to ACO from Health Insurance town- Selectman Ashmankas asked why we over budgeted for health insurance; there is a less expensive option to Fallon and we cannot predict how many people will take the less extensive so we have to budget for the more expensive plan. He then asked why we couldn't spend the \$3000 on visual budget.

Motion made by Selectman Borowski to approve the 33b transfer seconded by Selectman Cristo. Motion carried unanimously.

\$35,000 to Town Counsel from Health Insurance School-our labor costs are through the roof; Motion made by Selectman Borowski to approve the transfer seconded by Selectman Krumsiek. Motion carried unanimously.

\$5000 to Veterans Agent from Health Insurance Town-he picked up a couple of new cases Motion made by Selectman Borowski to approve the transfer seconded by Selectman Cristo. Motion carried unanimously.

\$8000 to Fire details from Health Insurance; there were a lot more brush fires this year. Motion made by Selectman Borowski to approve the transfer seconded by Selectman Cristo. Motion carried 4-0-1 (Chairman King abstained)

Mr. Spain is appointing Sandy Tillman and Gary Francis to the **Cultural Council**.
Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Ashmankas.

Motion carried unanimously.

Mr. Spain is appointing Deb Pousland as Jr. Clerk at Senior Center.
Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Ashmankas.

Motion carried unanimously.

Mr. Spain is appointing Joe Coggans to the Public Access/Cable TV Committee.
Selectman Krumsiek asked if this position was posted. She had a candidate but she did not see the advertisement. Mr. Spain offered to hold this appointment and to appoint her candidate. Selectman Ashmankas asked if the application went before cable board. When we have one applicant for a board/committee we usually just appoint them; if there is more than one then we ask the board/committee.

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

Town Manager Annual Reappointments-Please see attached list*.

Transfer Station tonnage keeps going down.

Congratulations to our building inspector, Bob Frederico for completing the Building Commissioner from the State.

Mr. Spain said that the ambulance company, MedStar has been with them for one year-he has only heard good things about them; the other towns are happy too. Selectman Borowski asked who they send their quarterly reports to. They send monthly reports that the manager, ambulance committee and to the fire and police chief's for review. Selectman Borowski asked if there are any issues to bring them to the board.

Mr. Spain would ask for approval to sign the MOA with the DPW union; only change is the cost of living increase of 1- 1 ½ - 2;

Motion to have the Manager sign the MOA with the DPW union made by Selectman Borowski, seconded by Selectman Cristo. Motion carried unanimously.

Previous Minutes:

Motion to approve the minutes of the June 9, 2015 regular selectmen meeting made by Selectman Krumsiek, seconded by Selectman Cristo. Motion carried 4-0-1 (Selectman Borowski abstained)

Town Counsel Discussion

Vice-Chairman Cristo recused herself from the room at 8:51 for the discussion

Selectman Ashmankas suggested that the Joyce firm seems good; Chairman King's concern was that they have only dealt with cities.

Selectman Borowski let the people know that three firms responded to the rfq; Kopelman & Paige, Mirick O'Connell and the Joyce Law Group. All three are very respected firms; we currently deal with two of them already. Although they are the more expensive option, his preference is Mirick O'Connell. Selectman Ashmankas suggested the most cost effective way to go would be with the Joyce group.

Chairman King reiterated that we decided to go with one firm after the committee gave their recommendation for cost efficiency. Chairman King asked how we would handle the existing cases with a new firm. You can appoint the firm handling it to continue with that case until the end, or have the existing firm brief the new firm on the cases. Selectman Borowski said that no one firm can do it all. Selectman Ashmankas make a case for the retainer option because they could write opinions and letters, etc. for us at no cost; Mirick doesn't have this option, Kopelman has a partial part but the new firm has the full retainer and an attorney on site for two days; he thinks this is the most cost effective choice. Selectman Borowski wanted to go with cost and comfort so he made the following motion:

Motion to go into contract negotiations with Mirick O'Connell for Fiscal 16 made by Selectman Borowski, seconded by Selectman Krumsiek.

Approved by roll call vote 3-1 (Selectman Ashmankas opposed because he said that they did not offer a retainer system)

Chairman King Read Dates To Remember

Thursday, June 25th – Brass Connection at the Senior Center – 6:00 pm – 8:00 pm

Annual Lions Club Carnival – July 1st – July 4th; Fireworks July 3rd and 4th; rain date of July 5th

38th Annual 4th of July Road race- Saturday; registration at 8 am – race at 9 am- Millbury High

Selectman Borowski thanked the Lions Club for taking over the race.

On a Good Note

Congratulations to the 2015 Graduates

School's out! Have a safe summer.

Mail

Letter from Laurie Connors regarding donations in the amount of \$75.00 for the Butler Farm Bark Park

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

Motion carried unanimously.

Letter from Laurie Connors regarding \$1,100 donations to the Millbury Center Beautification Initiative.

Motion to accept the donations made by Selectman Borowski, seconded by Selectman Cristo.

Motion carried unanimously.

Chairman King announced the Board would return to announce the direction the board is going to take with the manager's contract.

Executive Session

Motion made by Selectman Cristo, seconded by Selectman Krumsiek to move into Executive Session at 9:20 p.m. under Chapter 39, Section 23B, Paragraph 3 to discuss strategy with respect to collective bargaining or litigation to discuss the manager's contract 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 declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

Motion made by Selectman Borowski to go into negotiations for a one year contract with a decision made by September 30, 2015 made by Selectman Borowski, seconded by Selectman Cristo.

Approved by roll call vote.

Motion made by Selectman Krumsiek to adjourn at 9:57 p.m., seconded by Selectman Cristo.

Approved by roll call vote.

Respectfully submitted,
Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Brian Ashmankas

William Borowski

1

The block contains five handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: Francis B. King (in cursive), Sandy J. Cristo (in cursive), Mary Krumsiek (in cursive), Brian Ashmankas (in cursive), and William Borowski (in blue ink, appearing as 'W B').

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

Chairman King declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

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Respectfully submitted,
Tish Hayes, Secretary

Francis B. King

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William Borowski

APPOINTED BY THE TOWN MANAGER

LOCAL BUILDING INSPECTOR, ASSISTANT

Ronald Desantis

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

WIRING INSPECTOR

Larry Morris

Jeffrey Fenuccio, Assistant

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Cristo. Motion carried unanimously.

PLUMBING AND GAS INSPECTOR

Gregory Gauthier

Brian Gasco, Asst.

Motion to concur with the appointments made by Selectman Ashmankas, seconded by Selectman Cristo. Motion carried unanimously.

LIBRARY DIRECTOR

Elizabeth Valero-Mr. Spain wanted to thank Liz for her continued hard work and dedication.

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

PUBLIC ACCESS DIRECTOR

Kevin Krassopoulos- Mr. Spain is happy to reappoint Kevin as he is great at his job. There's no one that cannot do this job better. He appreciates all that Kevin does.

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried unanimously.

EMERGENCY MANAGEMENT AGENCY

Steven M. Kosiba, Director- Mr. Spain said that Steve stepped up when he needed someone and he is doing a great job.

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried 4-0-1 (Selectman King abstained)

ASA WATERS TASK FORCE

Judith Murphy

Dennis F. Hill

Motion to concur with the appointments made by Selectman Ashmankas, seconded by Selectman Krumsiek. Motion carried unanimously.

BLACKSTONE RIVER AND CANAL COMMISSION

Judith Reilly

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

CEMETERY COMMISSION

Marcia Landry

Randolph Mogren

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried unanimously.

COMMISSION ON DISABILITIES

Jim Clifford

Nancy St. George-Whittier

Motino to concur with the appointments made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried unanimously.

CONSTABLES

Stewart L. Barden

Todd E. Army

Todd Sprague

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

Jude T. Cristo

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried 4-0-1 (Selectman Cristo abstained)

CULTURAL ARTS COUNCIL serving 2/3 year terms = 6 years

Linda Donovan

Richard Patterson

Jeffrey Gould

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

DOROTHY POND RESTORATION COMMITTEE

Kenneth I. Schold

Jeffrey W. Gardner

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

EMERGENCY MANAGEMENT AGENCY-AUXILIARY POLICE

Mark Dyberg, Asst. Director

Fabrizio Bordo

Walter Swenson, Jr

Ronald A. Tranter

Paul T. DiCicco

Jeffrey A. Kozlowksi
Todd Army
Julie Sutherland
Benjamin Holmes
Victor Irr
Tom C. LaVallee
Neal Morrissey
Karen Murray
Gary Gagne

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

FINANCIAL MANAGEMENT PLANNING COMMITTEE

E. Bernard Plante
Kevin Plante
Michelle Desorcy
Chief Kenney A. Howell

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

INSURANCE ADVISORY COMMITTEE

Carol A. Schroeder - Retiree Rep.
Denise Marlborough - Dept. Mgrs. Supervisors Rep
Kathy Adams – School Cafeteria Rep.
Eric Dempsey - SEIU #888 School Cust. Cafeteria Rep
Ann Kach - Teacher's Assoc. Rep
Regina A. Markey – GEU Local 5- Clerks/ Custodians/ Dispatchers

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried unanimously.

POND AND LAKES COMMISSION

Gary Pothier
Kenneth I. Schold
Robert H. Clark
Bruce Hjort
Roy M. Ahlen
Roger L. Thornburg

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

PUBLIC ACCESS ADVISORY COMMITTEE

Jeff Dore
Richard Carew

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Ashmankas. Motion carried unanimously.

SAFETY COMMITTEE

William Berthiaume

Sgt. Stephen McFaul

Ann Kach

Motion to concur with the appointments made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried unanimously.

Steven Kosiba

Motion to concur with the appointment made by Selectman Borowski, seconded by Selectman Krumsiek. Motion carried 4-0-1 (Chairman King abstained)

SEWERAGE COMMISSION

Gary C. Nelson

Motion to concur with the appointment made by Selectman Ashmankas, seconded by Selectman Borowski. Motion carried unanimously.

YOUTH COMMISSION

Tim Cluett

Jennifer Nielsen

Matthew Brodeur

Motion to concur with the appointment made by Selectman Ashmankas, seconded by Selectman Krumsiek. Motion carried unanimously.