

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

July 24, 2018

RECEIVED
TOWN CLERK
7:00 pm
2018 AUG 15 PM 3:16
MILLBURY, MASS.

Selectmen Present: Chairman Jon Adams, Vice-Chairman Mary Krumsiek, Scott Despres, Jon Adams, Katie McKenna, Chris Naff, Town Manager David Marciello, Jennifer Nietupski, Karen Peltier, Steve Balistreri-Millbury Sutton *Chronicle*, and other concerned citizens

Chairman Adams asked for a moment of silence for Weymouth Police Officer Michael Chesna and the bystander Vera Adams who was murdered last week. He would like to acknowledge and thank the Millbury Police Department for their daily work; we cannot know what they are walking into when approaching a vehicle or a home. Please comply and use appropriate protocol when being approached.

Ronald Marlborough, Board of Health Chairman- spoke regarding a compliance check at Wheelabrator for haulers who do not get a permit from the Board of Health per our by-laws. We worked in conjunction with Wheelabrator and if a hauler was fined they could come in and get a permit instead of paying the fine. There are still haulers out there who have not gotten a permit. There will be a sign put up stating that "all trucks need to be permitted by Millbury By-Law." All of the haulers get letters; they should know that they need a permit.

Selectman Despres asked what the purpose of the permit is? It is to travel our roads in Millbury. There are no weight limits.

Selectman Krumsiek asked if municipalities have to pay their permits? That question has been posed to town counsel but they are conflicted. We are going to make a policy regarding other municipalities. The plan is to re-draft the by-law or make clearer regulations.

Mr. Marciello said that he will look into this further.

7:16 pm Hearing for AK Millbury Package Store-34 Main Street- Selling alcohol to an intoxicated person.

Chairman Adams asked for a roll call vote and swore in the witnesses

Donald Desorcy, Chief of Police – Chief Desorcy asked for this hearing alleging that a person working at AK Millbury Package Store sold alcoholic beverages to an intoxicated person.

*report attached. Chief Desorcy offered to have Officer AquaFresca testify as well.

Mr. Marciello asked if this was a normal police report done in the normal course of business for the Millbury Police Department. Chief Desorcy answered in the affirmative. Chief Desorcy went back to the business two days after the incident to review the videotape with the owner of the establishment.

Selectman Despres asked if he was arrested? He was not; he was brought to the hospital due to his injuries and condition.

Mr. Patel said that the gentleman spent 4 minutes in the store, brought some beer, used his credit card and put in his PIN number. His brother did not know the man was intoxicated. An hour later he noticed the ambulance outside with the man.

Selectman Despres asked how long his brother was in the business? 6-7 years.

Mr. Marciello asked if there was any indication of blood or injuries when he purchased the beer? Mr. Patel answered No, there was not any signs of that. Mr. Marciello asked if you could see it on the video? Chief Desorcy said that you could not see that on the video. Chief Desorcy wanted to clarify that it was 24 minutes after the purchase.

Selectman Despres asked if the injuries were obvious? Yes, he saw it right away.

Mr. Marciello asked how they knew it happened in Worcester? Officer Tarkinian confirmed it with Worcester PD that the man refused medical attention.

Selectman Krumsiek asked if all of the clerks are TIPS certified? No, just Mr. Patel. She then suggested all clerks get certified.

Chairman Adams said that the Board takes this very seriously and you need to take this seriously as well.

Motion to close the public input portion made by Selectman Despres, seconded by Selectman McKenna.

Motion carried by roll call vote.

Motion to suspend AK Millbury Package Store License for 1 day; of which 1 day will be held in abeyance for 1 year, seconded by Selectman Despres.

Motion carried unanimously by roll call vote.

Mr. Marciello explained that you have been found responsible; you have received a 1-day suspension but it is held for one year if you have no other violations. You have the right to appeal this decision to the ABCC after you receive the Decision in writing.

Acceptance of the FY2018 Town Manager Goals-6 months- Mr. James Kelley, HR Director, spoke

Motion to accept by Selectman Despres, seconded by Selectman Krumsiek.

Motion carried unanimously.

Ramshorn Dam Discussion/Vote on Signage- Chairman Adams recused himself at 7:39 pm Kerry Haines, 2 Sunset Dr., read a statement regarding her home which has become a park. Kids jump off the dam into the water, do burnouts on the dam, urinate all around and they would like their quiet back.

Selectman Naff asked what she would like the town to do? Parking limits and enforce the dawn to dusk rules.

Chairman Krumsiek would like to suggest no parking after 10 pm; she would like it posted as no swimming because it is a liability. She spoke to the Sutton DPW Director who said that their dam in Manchaug has no trespassing signs.

Mr. Marciello said that because this is a great pond the State owns the water.

Selectman Despres said that he wants to be careful about setting limitations because the town of Millbury paid a lot of money for that dam; He doesn't believe that a sign will stop the kids from jumping off the dam.

Chief Desorcy, spoke and disclosed that his family owns property at Ramshorn.

He has not seen a lot of adverse activities there. He has the shifts check to see if there is activity and he stops by there often. He doesn't want to put up too many restrictions about the parking;

there is only 5-6 spaces. He would rather address issues than over regulate. People talking on the dam will echo across the lake. It is a public road, we do not restrict parking on a public road. Selectman Naff suggested putting a sign that will say: No Trespassing, stay off fence, stay off rocks stay off the spillway; police take notice, seconded by Selectman McKenna.

Selectman Despres said he cannot agree with that motion because of the “no trespassing”; it is public access.

Gary Haines, 2 Sunset Dr. suggested “no trespassing on lakeside of fence”.

Motion failed- 2 -2

Selectman Naff motioned to have signs created and posted that say, stay off the fence, stay off the rocks, stay off the spillway; police take notice, seconded by Selectman McKenna.

Motion carried 4-0 by roll call vote.

Chairman Adams re-entered the room. 8:32 pm

Motion to table the discussion on parking until more research can be done made by Selectman Naff, seconded by Selectman Despres.

Motion carried unanimously.

2017 Town Financial Audit with Melanson Heath will be on August 28, 2018.

Discussion on Unfunded Recycling Mandates and Limits on Local Land Use Transfers

The board would like a letter that strongly supports the MMA in opposition to the unfunded mandate.

Motion to send a letter to the MMA opposing the unfunded mandates made by Selectman Krumsiek, seconded by Selectman McKenna.

Motion carried unanimously.

Discussion on Handicap Parking Spot: The safety commission thinks it is dangerous to have handicap parking on the street. The building inspector asked Boston who said that we shouldn't treat handicap spots different. Jim Perry who owns the Elm Theater, said that he is fine with having a parking spot in front of his theatre.

Selectman Krumsiek motioned to have 2 handicap spots installed on lower Elm St, seconded by Selectman Despres.

Motion carried unanimously.

Michael Kennedy thanked the Board for doing this and explained that the lift assistant van is not much bigger than a normal SUV. He said that on street parking is at your own risk for everyone.

Mr. Marciello said that both of the handicap spots on Elm street, one in front of the Chinese restaurant and one in front of the Post Office, was removed because there was a better alternative in the parking lot and around the corner.

Selectman Krumsiek said that on the June 26, 2018 selectmen meeting Jeff Raymond was reappointed to the Historical Commission, but he was never appointed in the first place.

Motion made by Selectman Krumsiek to appoint Jeff Raymond to the Historical Commission, seconded by Selectman Despres.

Motion carried unanimously.

Town Manager Report:

Mr. Marciello said that he would like to bring up the discussion of a Ch.40u policy again. Chairman Adams would like Mr. Marciello to get the fines assessed from the Board of Health before they decide. Selectman Naff doesn't want over regulate our town. Selectman Krumsiek doesn't think it is necessary in Millbury.

Mr. Marciello said that we have received another Green Communities Grant- we received \$241,000 for projects. Kudos to Laurie Connors and Patricia Arp for their hard work.

Due to the 500-year flooding that we got last week; there will be a shift in funding of the road plan because there was so much damage from it.

We have hired a DPW Admin and have hired an Equipment Manager III. Selectman Krumsiek wanted to make sure there was not going to be a problem with the clerk hire. Mr. Marciello said that we have a legal opinion from our town counsel and also one from the union counsel that states we are within our management rights to hire a non-union employee.

Selectman Naff would like a breakdown of commercial to residential in town now and then when the new projects are completed.

Selectman Krumsiek would like a tour of United Waste Materials on Route 20.

Chairman Adams asked Mr. Vanni, Finance Director, where we stand with the bans for the roads? Mr. Marciello answered that they will probably be ready for signing at the next meeting.

Previous Minutes

Motion to approve the minutes of the July 10, 2018 regular Selectmen meeting made by Selectman Krumsiek, seconded by Selectman Naff.

Motion carried unanimously.

Both items on Old Business items have been complete

Chairman Adams Read Dates to Remember

July 28, 2018 9am- 2pm - Millbury Federated Church Sandra L. Fischer Food Pantry Food Drive at Goretti's Market

July 25, 2018 6pm-8pm – Millbury Historical Society Museum Open-Asa Waters

1st & 2nd quarter of Fiscal 2019 Real Estate and Personal Property Tax bills were mailed out and due back in the office by August 1, 2018. If you did not receive a tax bill please call the office at 508-865-9121.

Selectman Naff added that the first game of the Little League Championship is this Thursday at Woolie World, Washington St. Park.

On a Good Note:

The South Main Street Bridge is closed and under repair. It should be completed within six weeks.

Mail:

Letter from the Millbury Center Beautification Initiative in the amount of \$100 from the Millbury Savings Bank.

Motion made by Selectman Despres to accept the donation seconded by Selectman Krumsiek. Motion carried unanimously

Letter from the Millbury Police Department regarding a donation in the amount of \$25.00.

Motion made by Selectman Despres to accept the donation seconded by Selectman Krumsiek. Motion carried unanimously

Motion to adjourn by Selectman Krumsiek at 9:22 pm, seconded by Selectman Naff
Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

Jon A. Adams

Mary Krumsiek

Scott Despres

Katie McKenna

Chris Naff

Handwritten signatures of Jon A. Adams, Mary Krumsiek, Scott Despres, Katie McKenna, and Chris Naff, each written over a horizontal line.