

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

August 11, 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, Susan Spencer

Chairman King called the meeting to order

Conservation Commission Appointment- Bob Laut-Bella Rosa Drive

Motion to approve the appointment to the Conservation Commission made by Selectman Krumsiek, seconded by Selectman Ashmankas.

Motion carried unanimously.

Rob McNeil-DPW Director- spoke regarding the IMA with Spencer for the Stormwater Coalition- there are 28 towns involved. We have become self-funding; this IMA is \$4,000 per community.

Motion to approve the IMA with Spencer made by Selectman Cristo, seconded by Selectman Ashmankas.

Motion carried unanimously.

Selectman Ashmankas asked what we do with this? We have purchased testing kits, we've gotten detailed surveying equipment which we never could have purchased, it is on a 2 week cycle for use and we have received an "enviroscape table" which is a model of a town geared to school aged kids to help bring to life how pollution gets into our water table. He brought that to the library's "Touch a Truck" that was held on Saturday. The Elmwood Street pump station has begun. We were under a full 1,000 tons at the transfer station; which resulted in a rebate over \$100,000; this is a huge achievement. Chairman King wanted to compliment the guys at the transfer station, he hasn't seen it this clean in years. Chapter 90 project requests are being processed by the State. The RAC has decided to do Alpine, Elmwood Terrace and Elmwood Street which is mostly completed; Gilbert Way and a portion of W. Main Street from the Auburn town line to Stone Road, Wedgewood Lane is drainage only, W. Main from Stone Road to Carleton Road; Wheelock Ave and the continuation of McCracken Road engineering; crack sealing town wide and to update the pavement management plan with CMRPC. Chairman King asked if everyone has signed off on Wedgewood; they are waiting for one more-but they are talking with that person regarding the legal language which is very confusing. All of that will end up costing around \$900,000.00. Chairman King asked about Woodland Street; that is part of the S. Main Street engineering to be done next year, we did check the condition of the pipes in that area first. We are working with the gas company to bring the gas service to the town hall; there is a lot ledge there; we hope to have it done by the end of August. The line painting contract was signed today; we did not get any responses for line painting and stump grinding in the first round so we had to re-bid. The stumps should be done in the August September

timeframe in time for fall grass growing. Hopefully you have noticed that the weeds have been sprayed and are dying on the side of the roads; we hope to do that earlier in the season next year. Selectman Cristo asked if we trim the dead weeds. We do not; we will go over to the wetlands areas where we cannot spray; if there are tall standing weeds, we can take care of them. The electrician is finishing up the LED project at Washington St. Park; the cemetery commission has decided to repair the roads in Central Cemetery with perpetual care money; it will be 1st Ave up to 3rd Ave, all of 3rd Ave, North Ave and St. Bridget's Way. He has a new jr. clerk coming in the office on September 1st. We are working hard to get the Elm St. Main St. quotes back on the ADA project including the bus shelter; the DPW farmhouse asbestos project will be going out to bid for demolition; thanks to Rep. Frost and Senator Moore who freed up the money to get this done. The fuel station is expected to begin in early September. Chairman King asked if there could be some barriers put up at the Stowe Rd and Carleton Rd intersection; the cars are going across the seeding. Chairman King asked about road removal in Central Cemetery; Rob did speak with the cemetery commission last night about it and he is in fact looking at it. Selectman Cristo asked where the signs for Dwinell and Providence St. Cemetery? Rob said that they would be expensive signs if we wanted the historic looking signs that are at the mansion. Mr. Spain asked him to look into lower priced signs. Selectman Cristo said that the older folks are going to the transfer station more often now and the step up to throw the trash into the windows is difficult for them; can he look into a curb cut or something to make it easier for them. Any kind of ramp system needs to be ADA compatible so that is the challenge; he suggests asking the attendants for assistance. 49 Main Street, right next to Mulhane, there's a section of sidewalk that is all cracked and raised, there is also a gas box in that section. Mr. McNeil said that Eversource (new name of NStar) has been very responsive and helpful so he will touch base with them regarding this address. Selectman Ashmankas asked about the new jr. clerk in the office, is this more money in the budget or are we getting rid of a laborer. This is a 15 hour new budgeted position. Selectman Ashmankas asked about the S.Main/Sycamore project and if this includes all of the neighborhood streets. Selectman Krumsiek asked is there will be public hearings for Gilbert Way. There already has been public input and they will be meeting individuals to discuss their frontage. She also asked if there is an update on the S. Main Street bridge. There is not at this time. Chairman King wants to send a letter to MaDOT regarding the West Main Street fence that has been down for some time. Also there is one at Elm Court and the 146 ramp. Selectman Ashmankas asked when the 146/Bridge project will begin. Mr. McNeil said that bids have just been opened by DOT; Mr. McNeil has asked them to let him know when they get a contract signed so that we can do public information meetings with them.

Laurie Connors- Town Planner

She is here tonight to finish up the final step for acceptance of McGrath Rd extension. She has the acceptance plan and deed for them to sign.

Motion made by Selectman Krumsiek to endorse the plan entitled "Road Acceptance Plan, McGrath Road Extension, Millbury, MA," prepared by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA dated September 18, 2014, seconded by Selectman Cristo.

Motion carried unanimously.

Motion made by Selectman Krumsiek to accept a deed of the easement in McGrath Road Extension from Renewables Land Holdings II, LLC, seconded by Selectman Cristo.

Motion carried unanimously.

The deed will be filed at the registry of deeds.

Ms. Connors said that the work at the Bark Park is 95% complete; this has taken a lot longer than she wanted; there is a list of bulleted items for the contractor to fix; they will not release the funds until it is all complete. We have about 195 members thus far.

Selectman Ashmankas asked about what roads would be coming up for acceptance? She is looking into the Danielle Drive subdivision with the planning board, to see if they want to bring it up. The history of this development is that the developer ended up in prison and the bank ended up completing the project with the performance guarantee. She has seen as built plans in the file but she does not have acceptance plans and she doesn't have the money in her budget to get them. Selectman Ashmankas asked if Carlestrom Lane was a public way? From the research that Ms. Connors did it was used as a driveway for a tavern, not a roadway. Mr. Spain added that if anyone has any information or maps that state there was a road before 1832 please bring it forward. Dave Lavallee has been very helpful in researching old roadways.

Village Knoll Public Hearing Village Knoll Variety-Change of Manger/and Officer/Director 107 W. Main St.

Selectman Krumsiek read the public hearing notice into record; seconded by Selectman Cristo.

Motion carried unanimously.

Attorney Patrick Flynn spoke regarding the updated paperwork provided to the ABCC; they did receive the certificate of good standing and are now ready to send in the paperwork.

Mr. Spain asked the board to approve pending all of the paperwork is in order. Selectman Krumsiek noted that there was a typo on the Form 43 in the type of license section-it should read wine and malt.

Motion to close the public hearing made by Selectman Krumsiek, seconded by Selectman Ashmankas.

Motion carried unanimously.

Chairman King wanted to let Mr. Patel know that he is still under the probationary time for the sale to a minor violation.

Motion to approve the change of manager/new officer/director, change of stock for Village Knoll contingent upon all fees paid and paperwork being correct, seconded by Selectman Krumsiek.

Motion carried unanimously.

Town Manger Report

Mr. Spain is appointing Amy Fleming as a junior clerk in the DPW office.

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

Motion carried unanimously.

Mr. Spain would like to congratulate Katie Lavallo and the financial team for receiving a certificate in excellence financial reporting on the CAFR. This is Katie's first year getting this and the town's third year. "This is the highest form of recognition in government accounting and it's attainment represents the significant accomplishment of the government and its management". We are one of 50 towns out of 351 towns to do this.

Chairman King congratulated Katie and her team.

There was some confusion on approving department head contracts; the only people who get contracts in the town are the manager, fire and police chiefs, library director, finance director and dpw director. He is working on the finance director and library director's contract now and he will bring them forward to them. Mr. McNeil's contract started last April and runs through June 30, 2017.

Motion to ratify the DPW director, Robert D. McNeil, III contract made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

Mr. Spain feels that the community forum was well attended regarding the swastika at the high school. There was good dialogue and discussion that needs to continue. There was a lack of understanding from young people that we need to rectify. We need to educate everyone and stop accepting boorish behavior from people.

Mr. Spain said that the HVAC project is moving along, we will have heat as of October 1. They are working on the radiators now and the boiler is ready to go.

Tish and Edd have started putting together with a page; we are trying to figure out the way we want it.

In September we will having a joint meeting with the Planning Board to fill a vacant seat until the next town election. We have two candidates so far.

Previous Minutes

Motion to approve the minutes of the July 28, 2015 meeting made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Motion to approve the minutes of the July 31, 2015 meeting made by Selectman Cristo, seconded by Selectman Ashmankas.

Motion carried unanimously.

Dates to Remember

Friday August 14th at 12 Noon -"LITTLE RED and the RIDERS" continue the 17th and final season of "Peanut Butter & Jam in the Park" Concert Series on the Common

Thursday August 20th from 5:30 to 7:30 PM - "E.F.O." - the Eddie Forman Orchestra - polka concert at the Senior Center "May Polka Music Fill Your Hearts"

Friday August 21st at 12 Noon - "MICKEY BONES & the BOOGALOO SWAMIS featuring LISA MARIE" closes out the 17th and final season of the "PB&J in the Park" Concerts on the Common

Common Victualler License- Dumpling Girl, LLC – 56 Canal Street

Mr. Spain explained that all of the sign offs need to be completed in the Board of Health and the Building Inspector Office. Chairman King asked about parking- it is the same use.

Motion to approve the Common Victually License for Dumpling Girl, LLC pending all fees and inspections are approved made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

On a Good Note

Congratulations to Christopher's Ice Cream on being voted #1 on Masslive.com

Good job to the Friends of the Library for the Touch-a-Truck held on Saturday.

Congratulations on Pearson's Farm on their article regarding their ice cream.

Congratulations to the Police Department for doing the Youth Police Academy. Job well done!

Selectman Cristo said that the Small Business Saturday Task Force has openings.

Motion made by Selectman Krumsiek to adjourn at 8:24 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

Francis B King
Sandy J Cristo

Mary Krumsiek
Brian Ashmankas

W Borowski

AFTER RECORDING RETURN TO:

Deed of Easement

Renewables Land Holdings II, LLC, a Delaware limited liability company, having a mailing address of c/o SunEdison, 179 Lincoln Street, Boston, MA 02111, as a gift, for **ONE DOLLAR AND 00/100 (\$1.00)**, hereby **DONATES** to **The Town of Millbury**, a Massachusetts municipal corporation, with an address of 127 Elm Street, Millbury, MA 01527, **WITH QUITCLAIM COVENANTS**, a permanent highway easement for all public way purposes, including, but not limited to, the right to pass on foot and with vehicles, to install, repair, replace, and maintain utilities and modes of transmission of intelligence, over the following described premises:

A roadway known as McGrath Road Extension, situated south of the 1732 limit of Sutton's acceptance of McGrath Road, in the western section of Millbury, Massachusetts. Said roadway is shown on a plan entitled "Road Acceptance Plan, McGrath Road Extension, Millbury, Mass," prepared by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA dated September 18, 2014 and more particularly described as follows:

BEGINNING At the most northeasterly corner thereof, at a drill hole set in a stone wall at the southerly end of the easterly side of McGrath Road, a public way;

THENCE S 4°-26'-13" E a distance of 132.00 feet to a granite bound at a point of curve;

THENCE southerly to westerly to northeasterly by a curve to the right having a radius of 60.00 feet for a distance measured on the arc of 269.30 feet to a granite bound at a point of reverse curve;

THENCE northeasterly to northerly a curve to the left having a radius of 30.00 feet for a distance measured on the arc of 40.40 feet to a granite bound at a point of tangent;

THENCE N 4°-26'-13" W a distance of 16.32 feet to an iron pipe set in a stone wall;

THENCE N 56°-31'-29 E a distance of 50.99 feet partly by the stone wall and partly by the southerly end of said McGrath Road, a public way to an angle;

Property Address: McGrath Road Extension, Millbury, MA

THENCE N 55°-08'-20" E a distance of 6.29 feet by the southerly end of said McGrath Road, a public way to the drill hole set a the point of beginning.

The above-described McGrath Road Extension contains an area of 15,126 square feet, more or less.

Being a portion of the premises conveyed to the Grantor by a deed dated September 30, 2014 and recorded with the Worcester District Registry of Deeds in Book 53053, Page 298.

Grantor makes no representations or warranties regarding the fitness or suitability of the easement area for Grantee's intended use.

The Town's acceptance of the herein deed is attached hereto.

Pursuant to M.G.L. c. 64D, §1, no deed excise stamps are required.

(Signatures on following page)

Signed and Sealed this ____ day of _____, 2015.

Renewables Land Holdings II, LLC

Witness

Name: _____
Its: _____

THE COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this ____ day of _____, 2015, before me the undersigned Notary Public, personally appeared the above named _____, proved to me through satisfactory evidence of identification, which was my personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of said entity.

Name: _____
Notary public
My Commission Expires:

Acceptance of Deed

The Town of Millbury, acting by and through its Board of Selectmen, pursuant to the vote under Article 28 of the May 5, 2015 Annual Town Meeting, a certified copy of which is attached hereto, hereby accepts the foregoing deed from Renewables Land Holdings II, LLC for public way purposes.

TOWN OF MILLBURY
BOARD OF SELECTMEN

Francis B. King

Sandra J. Cristo

Mary Krumsiek

Brian Ashmankas

William Borowski

THE COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this ____ day of _____, 2015, before me the undersigned Notary Public, personally appeared the above named _____, Board of Selectmen member, as aforesaid, and proved to me through satisfactory evidence of identification, which was my personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be his/her free act and deed and the free act and deed of the Town of Millbury.

Name: _____
Notary public
My Commission Expires:



TOWN OF MILLBURY

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508/865-9110 • FAX 508/865-0857
Email: jdavolio@townofmillbury.net

Jayne Marie Davolio
Town Clerk

PROCEEDINGS OF THE ANNUAL TOWN MEETING, MAY 5, 2015

ARTICLE 28: Voted unanimously to accept as a public way the roadway known as McGrath Road Extension, situated south of the 1732 limit of Sutton's acceptance of McGrath Road, in the western section of the Town. Said roadway is shown on a plan entitled "Road Acceptance Plan, McGrath Road Extension, Millbury, Mass", prepared by Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA, dated September 18, 2014. In accordance with the plan, said roadway is more particularly described as follows:

- BEGINNING At the most northeasterly corner thereof, at a drill hole set in a stone wall at the southerly end of the easterly side of McGrath Road, a public way;
- THENCE S 4°-26'-13" E a distance of 132.00 feet to a granite bound at a point of curve;
- THENCE southerly to westerly to northeasterly by a curve to the right having a radius of 60.00 feet for a distance measured on the arc of 269.30 feet to a granite bound at a point of reverse curve;
- THENCE northeasterly to northerly by a curve to the left having a radius of 30.00 feet for a distance measured on the arc of 40.40 feet to a granite bound at a point of tangent;
- THENCE N 4°-26'-13" W a distance of 16.32 feet to an iron pipe set in a stone wall;
- THENCE N 56°-31'-29" E a distance of 50.99 feet partly by the stone wall and partly by the southerly end of said McGrath Road, a public way to an angle;
- THENCE N 55°-08'-20" E a distance of 6.29 feet by the southerly end of said McGrath Road, a public way to the drill hole set at the point of beginning.

The above-described McGrath Road Extension contains an area of 15, 126 square feet, more or less.

A TRUE COPY ATTEST:


Jayne Marie Davolio – Town Clerk
July 20, 2015

TOWN OF SPENCER AND TOWN OF MILLBURY

**INTERMUNICIPAL AGREEMENT FOR PARTICIPATION IN THE
CENTRAL MASSACHUSETTS REGIONAL STORMWATER COALITION
(MUNICIPAL FY 2016)**

Agreement by and between the Town of Spencer, Massachusetts, acting by and through its Board of Selectmen ("Spencer") and the Town of Millbury, Massachusetts, acting by and through its Board of Selectmen ("Millbury"), pursuant to the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws.

Whereas, Spencer is a founding member of the Central Massachusetts Regional Stormwater Coalition ("the CMRSWC"), a regional, efficiency-driven stormwater compliance project involving between 13 and 30 towns;

Whereas, Spencer has managed funds awarded to the CMRSWC by the Massachusetts Executive Office of Administration and Finance in previous state fiscal years through its Community Innovation Challenge (CIC) Grant program;

Whereas, Spencer has managed funds awarded to the CMRSWC by the New England Water Environment Association (NEWEA) through its Humanitarian Assistant Grant program;

Whereas, Spencer has managed matching shares contributed to the CMRSWC from participating communities in previous fiscal years, and has obtained intermunicipal agreements from each participating community for those contributions;

Whereas, the CMRSWC Steering Committee approved, at its May 2015 meeting, the expected annual contribution for participation in the CMRSWC in FY2016 to be Four Thousand Dollars, and No Cents (\$4,000.00);

Whereas, Millbury wishes to participate in the CMRSWC;

Whereas, Spencer and Millbury have determined that it would be in their best interests to enter into an intermunicipal agreement for the purpose of coordinating the contribution from each participating community under the terms and conditions hereinafter set forth; and

Whereas the Boards of Selectmen of Spencer and Millbury, have each voted at a duly posted open meeting to authorize this intermunicipal agreement pursuant to the provisions of Chapter 40, Section 4A of the Massachusetts General Laws.

Now, therefore, in consideration of these premises, and for other good and valuable consideration, the parties agree as follows.

1. Spencer agrees to be the lead community for the CMRSWC Project in municipal FY2016 and subsequent fiscal years and is responsible for making required payments for all CMRSWC subcontractors supplying services and all vendors supplying purchases in accordance with tasks authorized by the CMRSWC Steering Committee, managing the budget for authorized

tasks, and receiving any grants. If at some time Spencer is no longer able to serve in this role, the CMRSWC Steering Committee shall identify another member community to serve as the fiscal lead.

2. In order to fund the CMRSWC project, Spencer agrees to attempt to obtain intermunicipal agreements from all participating communities for each community's contribution.

3. Payment of the established fee for a municipal fiscal year entitles Millbury to participate in all services, activities, and events offered by the CMRSWC that year. This includes access to fee-based services (such as the online mapping and inspection platform, use of survey devices and water quality monitoring tools), receipt of Annual Report narratives and any regulatory updates, participation in pilot projects and partnerships, and attendance at training events and presentations. In the event that Millbury elects to withdraw, it shall retain ownership of products delivered in previous fiscal years during which it participated but will not have future access to fee-based services. If Millbury withdraws, it will be provided with a digital copy (GIS shapefile and Excel spreadsheet) of data within its boundaries managed by the CMRSWC online mapping and inspection platform through the end of the last fiscal year in which it participated. Infrastructure in Millbury will continue to be visible to other members on the platform.

4. This agreement shall become effective on _____, and shall expire June 30, 2020. This extended commitment term decreases the effort to administer the CMRSWC and increases the strength of the CMRSWC's voice. Any member, including Millbury, shall be able to withdraw from the CMRSWC at any time with 60 days' notice, provided in writing to the Spencer Town Administrator (or, in the case of Spencer, to the CMRSWC Steering Committee). There will be no credit or pro-rating of the annual fee for withdrawal. The term of the agreement is subject to extension or revision by vote of the CMRSWC Steering Committee and written amendment signed by all parties.

5. In the event that a community participating in the CMRSWC withdraws, Spencer will attempt to replace said non-participating community for the next fiscal year such that the total number of participating communities remains around 30. Additional communities may be invited to participate at the approval of the CMRSWC Steering Committee.

6. The matching share for each participating community for each year shall be set at Four Thousand Dollars, and No Cents (\$4,000.00).

7. Each participating community shall make full payment of the fee identified above to the "Town of Spencer" prior to July 31 of each year, for participation during the fiscal year beginning July 1st of that same year. The fee may be adjusted only by vote of the CMRSWC Steering Committee and by written amendment signed by all parties, with Millbury able to withdraw from the CMRSWC at any time as noted in #4, above.

8. This agreement sets forth the entire understanding of the parties with respect to its subject matter. Any amendment of this agreement must be in writing and authorized by votes of the Boards of Selectmen of Spencer and Millbury. This agreement shall be governed by the laws of the Commonwealth of Massachusetts. If any provision of this agreement is declared by a

court of competent jurisdiction to be illegal, unenforceable, or void, then both parties shall be relieved of their obligations under that provision, and the remainder of the agreement shall be enforced to the fullest extent permitted by law.

Executed by the parties authorized representatives.

TOWN OF SPENCER
By its Board of Selectmen

TOWN OF MILLBURY
By its Board of Selectmen

Chairman

Chairman

Dated: _____

Dated: _____

**TOWN OF MILLBURY
BOARD OF SELECTMEN**

The Millbury Board of Selectmen will hold a Public Hearing on Tuesday, August 11, 2015 at 7:30 p.m. in the Conference Room, Municipal Office Building, 127 Elm Street, Millbury, MA to act upon the application of New Officer/Director and Change of Manager for Village Knoll Variety, Inc. 107 West Main Street., Millbury
7/30/2015 MS