

TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
SELECTMEN MEETING ROOM

August 23, 2016

7:00 pm

Selectmen Present: Selectman Francis B. King, Sandy Cristo; Mary Krumsiek, and Scott Despres
Interim Town Manager, E. Bernard Plante, ACO Daniel Chauvin, Jayne Davolio, Katie McKenna, Susan Spencer, T&G, and other concerned citizens

Common Victualler License- Greg Collins would like to bring good quality pizza to the residents of Millbury at the 198 Millbury Ave location.

Selectman Despres asked what they plan to do differently than the other businesses that did not do well. He hopes that good quality ingredients, advertising and deliveries will boost the sales. Selectman Despres said that parking is tight there, anything you can do to make it work better? They are hoping to do more deliveries to alleviate the parking problem.

Motion to approve the license made by Selectman Krumsiek, seconded by Selectman Despres.
Motion carried unanimously.

Worcester County Selectman Association-Appointment

Motion made by Selectman Despres to appoint Selectman Krumsiek as the voting member to the WCSA seconded by Selectman Cristo.

Motion carried unanimously.

Sign Bond Anticipation Note Renewal for the Aerial Scope

Motion to approve the renewal in the amount of \$216,823.00 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Jayne Davolio, Town Clerk

Approve Warrants for the State Primary and Selectman Seat -

Motion to approve the warrant for the State Primary and the Special Town Election made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Permanent Poll Worker Appointments:

Motion to appoint Wilfred A. Kirkman, Jr. as a permanent poll worker made by Selectman Krumsiek, seconded by Selectman Despres.

Motion carried unanimously.

Substitute Poll Workers

Motion to appoint Ann Marie Decoteau, Robin Cano, James R. Mousseau, Susan W. Dineen, Judith M. Nichols, Donald J. Gauthier and Lynn A. Moseley as substitute poll workers made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

First reading of **FMLA Policy**-*attached- This policy was suggested by our town council.

One Day Liquor License- Stowe Farm-Needs to be a confined area and see Tips Certification Motion to approve the one day licenses for the weekends in September with conditions that it must be in a confined area and served by TIPS certified servers made by Selectman Krumsiek, seconded by Selectman Despres.
Motion carried unanimously.

Kevin Flynn- new director of Planning & Development: He has 20 years of experience. Last few years he has been doing this on a consulting basis, he is also a certified grant writer. He would like to put more on the website; forms, decisions and such. The building inspector is looking into an online permitting system that the planning board and the conservation commission can use as well. There is a new law out regarding signage, so we are looking at that and will propose changes at town meeting if necessary. The town has begun working on the Master Plan; he will be assisting with this.

Selectman Krumsiek recused herself 7:35 pm

Mr. Flynn explained that Oakwood Heights was adopted at town meeting; this is the last piece that needs to be filed to have the town accept the roads as public ways. After this is filed at the registry of deeds they will be public.

Motion to approve the Order of Taking for Oakwood Heights made by Selectman Cristo, seconded by Selectman Despres.

Motion carried 3-0 (Selectman Krumsiek recused herself)

Continued Dog Hearing- 55 Sycamore Street-Peter Sannicandro

Animal Control Daniel Chauvin stated that he received 2 reports of dog barking since the last hearing, they were both around 5:00 pm. Our Inspector of Animals, Ed Mansfield also made a visit and gave the kennel a clean bill of health.

Peter Sannicandro stated that he has passed in the paperwork to the planning board for the kennel.

Kevin Flynn reported that Mr. Sannicandro has been before the board to discuss what to do for site plan review. He has submitted some waivers, such as traffic counts, as he will not need some of the requirements. The board has reviewed it last night and they will have him back in again which would be in the middle of September.

Chairman King said that this board will be putting conditions on the kennel license and he would like to know if Mr. Sannicandro has thought about shrubs or fencing. He has, but he wants to find out what he will have to do with the license before he makes.

Selectman Cristo asked if Mr. Sannicandro has been putting the dogs in the barn at night; He has. Lisa Kuomo has a lot of recordings of the dogs.

Selectman Despres has been up to see the pen, animal inspectors and mspca has been there as well, they are in good condition.

Selectman Krumsiek said that we are not solving the barking problem. ACO Chauvin said that we need a viable term for what "excessive" barking is.

Chairman King asked Peter to please control the dogs barking as best you can.

Continued to next meeting—September 27, 2016

Verizon Pole Petition- Dolan Road Selectman Krumsiek read the notice into record This is pertaining to the Ramshorn Dam reconstruction- they are moving 2 poles to the new location.

Patti McElligot said that they live next door to construction-everything in her house is electric and she'd like to know when this would happen and how long the power will be out. Verizon will try to let them know ahead of time when the power will be out. It will only be out for a very short time, ½ hr.

Motion to close public hearing made by Selectman Krumsiek, seconded by Selectman Cristo. Motion carried unanimously.

Motion to approve the pole relocation on Dolan Road made by Selectman Cristo, seconded by Selectman Despres. Motion carried unanimously.

Valente drive Solar Farm-

Nick Bernier-Attorney Keith Phillips-the solar company is looking to locate a farm in Millbury. They have a payment in lieu of taxes agreement to present to you. The investors like stability, the bank is out of state, the company is out of state, they are worried about taxes skyrocketing over 20 years. They would like to pay the taxes up front; they have front loaded the pilot, paying more up front than in 20 years.

The Board will take this under advisement; the manager will discuss the pilot with the assessors and bring back their thoughts to the board.

8:34pm –Mary Arcardi-Collins Center- she has been with the Collins center since 2009; they were created to make towns better and more efficient. She has extensive experience. They book time; they develop a profile for the town and they interview everyone. You will have a town manager in January. We want you to have difficulty in picking a finalist. It is a small pool for municipal managers. They work with the screening committee and they facilitate for them. She said that they treat internal candidates the same as external candidates-they do not recommend courtesy interviews, they have to be qualified.

Acting Town Manager Plante explained that he, along with Katie McKenna, Jayne Davolio, Jude Cristo, Mary Krumsiek narrowed it down to these three firms that are here before us tonight.

Selectman Despres asked if she has 10 town manager's in her pocket. She answered she may have some names but it is based on your profile. Each town is very different. Pay, skills and what the town is looking for matters.

Selectman Cristo said that this is going to be our fourth town manager, she needs someone who is going to hit the ground running; do you think that person needs prior municipal and prior public sector experience. Yes, she certainly does; you need someone who is seasoned.

Chairman King said that the town manager has to understand the community that he works for; how do you express this to a candidate. You make your profile, you tell us what you want and how you want your community defined.

ATM Plante said that your company is very busy, do you have time to fit us into your schedule? Absolutely, they would not have responded if they could not get this done.

Jude Cristo said that because they are exempt from 30b the town did not get a report, is that something that they could provide. They do not issue a written report with recommendations that is the screening committee's job.

Randi Frank-Randi Frank Consulting-Slavin Management; they have been a team for 15 years. They have over 850 executive searches. The principals are 100% involved in the project. We are local but we are national. She does a lot of New England Work. She was an Assistant Town Manager. 95% of placements have stayed in that place for 5 years; they like to meet with department heads, business groups, community groups and you tell us what you really want. We will approach people who may not be looking for a job, but they are the perfect fit. We work as a seamless team.

ATM Plante asked if they are available to do this job. She absolutely is; she does not have anything else scheduled at this time. She and Bob will be the primary

Selectman Despres asked to clarify the statement "we will not recruit your town manager"

Randi said that means that they will not contact your manager once they place them for another town. What is the time frame that you could get a manager in here. Between 60-120 days.

Selectman Despres asked if she has familiarized herself with this town, do you right now have a dozen people in your head for this position. No, she does not. She does not know until your profile is done. She will use previous processes for similar towns, but she does know where to find them.

Selectman Cristo said that this will be our 4th TM and it is not an entry level and she would like someone who can hit the ground running; do you think we need someone with prior municipal experience and prior public sector experience. If that is what you want, then yes we would look for that.

Chairman King said that the town manager has to understand the community that he works for; how do you express this to a candidate and make sure that they will fit into the community.

They put out a positive profile, no negatives on it.

Jude Cristo said that everybody's time is valuable, how do you handle requests for courtesy interviews? We do ask how you want that handled; you may have to interview them for political reasons.

Thomas Groux- Groux & Associates with Rick White-

Mr. Groux was a town manager in Winchester and Mr. White was his assistant. Having a search committee speeds up the process and they probably already know what your needs are. The firm started in 1999 to recruit for towns, in his early work he prepared charters and moved to bringing managers to towns. The timeline calls for an 18 week period to do a search; it can be shortened due to the search committee being intact. He will sit down with the board as a whole and individually to understand what you are looking for. They will then prepare a profile which spells out what you are looking for which will be a brochure on your website; they will prepare the ad and recommend where to advertise. They have people who they send invitations to. Rick

White, he has worked in a variety of towns. He has forged strong relationships with other managers in New England. They have done research already regarding the town; you need a They build trust with the candidates to keep their confidence while selling Millbury as a great opportunity. We need to get a manager who will click with the board.

Time in schedule? Mr. Groux has no question that they have the time to do that. They do not take on more work than necessary; they like to have only 1 or 2 recruitments going at one time. He focuses on a quality job. You don't want to lose good people, you have to move quickly. They will be at each search committee meeting.

Selectman Despres asked you to give me your top three candidates right now.

Mr. Groux said that he would want to review with the board and the search committee to see what the needs of the town are before he could say that. But yes, there are a dozen of people out there right now that he could offer up, but he doesn't know the operation you are looking for. Selectman Cristo said that this will be our 4th TM and it is not an entry level and she would like someone who can hit the ground running; do you think we need someone with prior municipal experience and prior public sector experience. He would lead towards municipal experience; some public sectors can translate well. There are a lot in the public that scrutinizes everything you do; it would be preferable to have someone who knows selectmen and town manager types of government.

Chairman King that the town manager has to understand the community that he works for; how do you express this to a candidate and make sure that they will fit into the community. We will sit down with each candidate to let them know what the community expects of them. We screen candidates to see if they can grocery shop in the community.

Jude Cristo said that everybody's time is valuable, how do you handle requests for courtesy interviews? His recommendation is that it is an insult to the interviewee to do a courtesy interview; you are wasting that person's time and your own time. They do need to fit the criteria. The search committee can do them; he does not want to do them.

Chairman King recommends calling a special meeting for Monday or Tuesday and making a decision then. Please have your salary figure in mind. They chose Monday August 29th at 6:00 pm.

Robert D. McNeill, DPW Director - Thank you for approving the Ramshorn Pole Petition to move things along, the sheet pile wall in near complete, you should schedule some time to go out and take a look at it; he is happy to go along with you to answer any questions and explain what is going on. They have been working with con com this fall regarding weed control. Small issues have come up but the contractor has not been able to overcome. They have worked with the police to ensure that the construction site has been secured. They were able to send staff to the Congressman's bike path clean-up; the Butler Farm driveway drainage project is completed, that was a project that was needed for a long time. The stability of the driveway should be there for years to come. We had an accident with the brush mower being hit on Monday-we will work through insurance to get that mower back up and running.

We have scheduled West Main Street area public hearings for September; they will do a direct mailing for property owners in that area. They have reached out to the utilities to get their utilities improved before the final paving is done. The seasonals are coming to an end, we have a great group of kids and every year they get better. These kids are bringing more to the table than just grass cutting. Still looking for feedback regarding the crosswalk program that began this

summer running through September. MaDot plan to hold a preconstruction meeting for their I90 improvements which affect the drainage issues at Dorothy Pond. Selectman Cristo asked about the dredging of Dorothy-the schedule of the facility doing that project said that it did not match the budget and was moving on for another cycle-he is hopeful they will be able to do that this fall. They will design and permit some additional burial grounds adjacent to central cemetery with the new land. We have been composting at the transfer station for a year and a half; the product is now ready to be utilized by sticker holders and dpw workers for around town. They will be utilizing this in the old section of central cemetery to supplement soil so that grass can be replanted. The board of sewer commissioners have raised their rates and sent out sewer betterments to the tune of \$255,000. Sewer bills will be mailed out Sept 14th for the Jan-Jun time period. The Elmwood St. pump station was brought online with a project that was on time and under budget. The energy advisory committee just got more grant money for LED street lights, a street light study and they are moving forward with purchasing 4 electric vehicles and installing two charging stations-one at town hall and one at the library. Washington Street park is having ongoing issues with the Rt 146 bridge project; the removal of trees between 146 and the ball park has caused some foul balls to make it to 146. We have recommended a baseball trajectory study and hopefully some sort of netting will be installed. The field has been recognized for state level play for the last 5 years; we were one of four fields in the state finals which is a great feat. New cemetery signs and parks signs will be installed in uniformity.

Chairman King when the new rates are in effect- it will be in this billing period. He then asked where the 4 electric vehicles will be going. TM, DPW, Police and Building Inspector. Chairman King said that they board voted 7 or 8 years ago to not increase the fleet.

S. Main Street Bridge-we are waiting on a response from DOT to bring that bridge back to 2 lanes of traffic and a pedestrian walkway, Round Pond there has been wall plans produced but the cost of that project, about \$500,000 to repair the section, has been an issue, and Brierly Pond Dam was determined by town counsel to be privately owned, so there is no plan to move forward with that project. They need to go after the dam owner and stay on top of the Office of Dam Safety.

Linda LaChance said that she would like to be appointed to the Ponds & Lakes. She also said that the dam on West Main Street is state owned.

Selectman Cristo said that she has been working to get a crosswalk at the post office and she thinks the bump outs are doing exactly what they should be doing-they slow traffic down at the post office and the end of elm. She has gotten mostly good feedback.

She then asked about the crack filling and wondered if they could do some secondary roads as well.

Selectman Despres asked if the fields behind the sewer plant could be utilized for soccer fields? Mr. McNeil explained that that area used to be used as drying beds for the sludge. He does not feel that it is a good area for the public and especially children. They have looked into ways to reutilize that area, it is still in the running for a public safety complex, solar panels and they have looked into a regional anaerobic digester in the past but it is not cost effective.

Previous Minutes

Motion to approve the minutes of the July 26, 2016 regular Selectmen Meeting made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Town Manager Report

Looks like we finished up the Police negotiations; should be bringing that contract to the next meeting.

He has the Clerk's contract for you to approve tonight-Katie is here to answer questions as she was involved in the negotiations.

Motion to approve and sign the Clerks contract made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously

Mr. Plante had to say that he got a report of what a help that Bob Frederico, our building inspector, was to someone and that he had gone above and beyond helping this man.

Selectman Krumsiek thinks that we should have a meeting on September 13th

Motion to reinstate the September 13, 2016 meeting made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Dates to Remember

VOTE- Thursday, September 8, 2016 - Special Town Election & State Primary
Millbury Community Block Party on September 17th

Mr. McNeil corrected that the South Main Street Public Meetings will be held on September 15, 22 and 29, 2016

On a Good Note

Great job on National Night Out-

Mail

Letter from the Millbury Fire Department regarding a donation from Matt's Tree Service in the amount of \$500.00.

Motion to accept the donation made by Selectman Cristo, seconded by Selectman Despres.

Motion carried unanimously.

A Notice from the Assessors Department letting the community know that Vision Government Solutions would be doing house to house data collections.

Letter from the Millbury Fire Department regarding a donation from Aquarion Water Company in the amount of \$250.00.

Motion to accept the donation made by Selectman Cristo, seconded by Selectman Despres.

Motion carried unanimously.

Letter from the Millbury Police K9 Unit regarding donations from a T-Shirt fund raiser in the amount of \$5,142.98 was received.

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

Motion carried unanimously.

Letter from the Millbury Police Department K9 Unit regarding a donation from Ryan, Andrew and Brayden Langkopf in the amount of \$45.00. These boys sold lemonade in front of their house.

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

The Redevelopment Authority is having Food Truck Festival fund raiser on September 25, 2016 at Windle Field. 11:00 am – 5:00 pm rain or shine.

Citizen Speak

Linda LaChance said that she wanted to thank the DPW for the work that they did on Jacques Park; there is still a security problem going on there. She wanted to thank the police department for putting the speed sign on David Road. The brush cutting on Davis Road looks great- and also they put up 'road closed' signs on Dolan Road and that is helping. A huge thank you to Rob and his crew.

The Chairman announced the Board will be going into Executive Session and will come out to make a motion.

Motion made by Selectman Cristo, seconded by Selectman Krumsiek to move into Executive Session at 10:52 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 of Franklin v EPA

The Chairman declared.

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

Motion to adjourn by Selectman Despres at 11:43 pm, seconded by Selectman Cristo. Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Francis B King
Sandy J Cristo
Mary Krumsiek
Scott Despres

Property Address: Rayburn Drive, Danielle Drive, Horseshoe Lane,
and Lisa Drive, Millbury, Massachusetts

This space reserved for Recorder's use only

TOWN OF MILLBURY, MASSACHUSETTS

ORDER OF TAKING - Public Ways in Oakwood Heights

At a meeting of the Board of Selectmen of the Town of Millbury, duly called and held on August 23, 2016, a quorum of said board being present and voting throughout, the following Order of Taking was adopted:

WHEREAS, residents of the Oakwood Heights neighborhood petitioned the Town of Millbury to lay out and accept as public ways the following streets: Rayburn Drive, Danielle Drive, Horseshoe Lane, Lisa Drive, and an unnamed right-of-way situated along the northerly side of Rayburn Drive, all as shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavallee Brothers, Inc., on file with the Office of the Town Clerk of the Town of Millbury, and as described in the attached Exhibit A (the "Ways");

WHEREAS, the proposed acceptance and lay out of the Ways was referred to the Planning Board of the Town of Millbury pursuant to M.G.L. c. 41, § 81G, and the Planning Board voted favorably thereon;

WHEREAS, following a duly noticed public hearing held on January 26, 2016, the Board of Selectmen of the Town of Millbury voted to lay out the Ways as public ways;

WHEREAS, by votes under Articles 24 through 28 of the Town of Millbury Annual Town Meeting held on May 3, 2016 and in accordance with M.G.L. c. 40, Section 14, M.G.L. c. 79, and M.G.L. c. 82, the Town of Millbury, acting by and through its Board of Selectmen, is authorized to acquire by eminent domain interests in property sufficient to establish the Ways as public ways available for all purposes for which public ways are used in the Town of Millbury;

WHEREAS, the Board of Selectman has acted upon said authorization to acquire by eminent domain interests in property sufficient to establish the Ways as public ways available for all purposes for which public ways are used in the Town of Millbury; and

WHEREAS, it is adjudicated that no damages will be sustained by the taking of the herein described interests.

NOW, THEREFORE, BE IT ORDERED THAT:

1. The Board of Selectmen of the Town of Millbury does hereby decree that public necessity and convenience require the taking by eminent domain of a permanent, nonexclusive easement for public street purposes in, under and through the Ways, as described in Exhibit A.

2. The Town of Millbury, by its Board of Selectmen, and by virtue of the power and authority conferred upon it by M.G.L. c. 40, Section 14, and in addition thereto every other power and authority enabling the Town to so act, DOES HEREBY ORDER THE TAKING OF AND DOES HEREBY TAKE AND APPROPRIATE BY EMINENT DOMAIN, under the provisions of M.G.L. c. 79, a permanent, nonexclusive easement for public street purposes, together with the attendant customary uses, including but not limited to construction, operation and maintenance of the right of way, drainage and utilities, in, under and through the Ways, as described in Exhibit A.

3. The owners of property affected by this taking are listed in the attached Exhibit B.

4. No damages will be sustained by the taking of the herein described interests, none are awarded, and no appropriation has been made for said purpose.

5. All interests taken by the Town of Millbury hereunder shall include the rights to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Ways as may be necessary or convenient to exercise the interests hereby taken. Any utilities and related facilities located within the Ways that are owned by private utility companies and easements held by private utility companies are not taken.

6. Any rights in the Ways held by the owners of land in the Oakwood Heights neighborhood to use the Ways for all purposes for which public ways are used in the Town of Millbury are not taken.

7. No betterments are to be assessed for the layout and acceptance of the Ways as public ways.

8. This Order of Taking does not create any new boundaries.

9. The Town Manager, Director of Public Works, Town Treasurer and Town Counsel are hereby requested and authorized on behalf of the Board of Selectmen to do all things and to execute all documents necessary to provide notice of this taking and pertinent information to every person entitled thereto in accordance with the applicable provisions of M.G.L. c. 79.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

Dated this _____ day of August, 2016.

TOWN OF MILLBURY

By its Board of Selectmen,

Francis B. King, Chair

Sandra J. Cristo

Mary Krumsiek

Scott Despres

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On _____, 2016, Francis B. King, Sandra J. Cristo, Mary Krumsiek and Scott Despres (each referred to as the "Principal"), personally appeared before me and each Principal acknowledged to me that he signed the above Order of Taking voluntarily for its stated purpose. Each Principal proved to me through satisfactory evidence of identification that the Principal is the person whose name is signed on the preceding or attached document. The satisfactory evidence of identification provided to me was:

- A current document issued by a federal or state government agency bearing the photographic image of the Principal's face and signature; or
 - On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the Principal; or
 - Identification of the Principal based on the notary public's personal knowledge of the identity of the Principal; or
 - The following evidence of identification: _____
- _____

Notary Public

Printed Name: _____

My Commission Expires: _____

[Seal]

EXHIBIT A

Legal Description of the Ways

Rayburn Drive:

Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA, on file with the Office of the Town Clerk of the Town of Millbury. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point on the northerly side of Carousel Drive at a concrete bound on the northerly side of Rayburn Drive;

- THENCE: By a curve to the left R=20.00 a curve distance of 33.22 ft. to a concrete bound.
- THENCE: N 43-55-45 E 57.75 ft. to a concrete bound.
- THENCE: By a curve to the left R=35.00 a curve distance of 43.38 ft. to a concrete bound.
- THENCE: N 14-41-16 E 111.33 ft. to a concrete bound.
- THENCE: By a curve to the right R= 175.00 a curve distance of 81.23 ft. to a concrete bound.
- THENCE: By a curve to the left R=522.68 a curve distance of 115.40 ft. to a concrete bound.
- THENCE: By a curve to the left R=175.00 a curve distance of 267.28 ft. to a concrete bound.
- THENCE: S 63-41-45 E 15.00 ft. to a concrete bound.
- THENCE: By a curve to the right R=740.00 a curve distance of 82.54 ft. to a concrete bound.
- THENCE: S 57-18-20 E 393.21 ft. to a concrete bound.
- THENCE: By a curve to the left R=175.00 a curve distance of 154.28 ft. to a concrete bound.
- THENCE: N 72-11-00 E 258.11 ft. to a concrete bound.
- THENCE: By a curve to the right R=225.00 a curve distance of 131.49 ft. to a concrete bound.
- THENCE: S 74-20-00 E 66.28 ft. to a concrete bound.
- THENCE: By a curve to the right R=175.00 a curve distance of 268.83 ft. to a concrete bound.
- THENCE: S 13-41-00 W 238.92 ft. to a concrete bound.
- THENCE: By a curve to the right R=265.00 a curve distance of 128.65 ft. to a concrete bound.
- THENCE: S 41-30-00 W 296.99 to a concrete bound.
- THENCE: By a curve to the left R=360.00 a curve distance of 402.12 to a concrete bound.
- THENCE: S 22-30-00 E 447.93 ft. to a concrete bound.
- THENCE: By a curve to the left R=60.00 a curve distance of 47.02 ft. to a concrete bound.
- THENCE: By a curve to the right R=60.00 a curve distance of 282.53 ft. to a concrete bound.
- THENCE: By a curve to the left R=60.00 a curve distance of 47.02 ft. to a concrete bound.
- THENCE: N 22-30-00 W 571.89 ft. to a railroad spike.
- THENCE: Northerly by Rayburn Drive by the easterly end of Horseshoe Lane to a concrete bound.

THENCE: By a curve to the right R=410.00 a curve distance of 109.47 ft. to a concrete bound.

THENCE: Northerly by Rayburn Drive by the northeasterly end of Horseshoe Lane to a concrete bound.

THENCE: N 41-30-00 E 218.16 ft. to a concrete bound.

THENCE: By a curve to the left R=215.00 a curve distance of 104.38 ft. to a concrete bound.

THENCE: N 13-41-00 E 238.92 ft. to a concrete bound.

THENCE: By a curve to the left R=125.00 a curve distance of 192.02 ft. to a concrete bound.

THENCE: N 74-20-00 W 66.28 ft. to a concrete bound.

THENCE: By a curve to the left R=175.00 a curve distance of 102.27 ft. to a concrete bound.

THENCE: S 72-11-00 W 258.11 ft. to a concrete bound.

THENCE: By a curve to the right R=225.00 a curve distance of 198.36 ft. to a concrete bound.

THENCE: N 57-18-20 W 393.21 ft. to a concrete bound.

THENCE: By a curve to the left R=690.00 a curve distance of 76.96 ft. to a concrete bound.

THENCE: N 63-41-45 W 15.00 ft. to a concrete bound.

THENCE: By a curve to the left R=125.00 a curve distance of 191.27 ft. to a railroad spike.

THENCE: By a curve to the right R=572.68 a curve distance of 126.44 ft. to a concrete bound.

THENCE: By a curve to the left R=125.00 a curve distance of 58.02 ft. to a concrete bound.

THENCE: S 14-41-16 W 111.33 ft. to a concrete bound.

THENCE: By a curve to the right R=135.00 a curve distance of 68.90 ft. to a concrete bound.

THENCE: S 43-55-45 W 12.55 ft. to a concrete bound.

THENCE: N 31-58-45 W 10.31 ft. to a concrete bound.

THENCE: S 43-55-45 W 101.83 ft. to a drill hole on the easterly side of Carousel Dr.

THENCE: By a curve to the left R=125.00 a curve distance of 86.27 ft. by the easterly side of Carousel Drive to the point of beginning.

Danielle Drive:

Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA, on file with the Office of the Town Clerk of the Town of Millbury. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point on the northeasterly side of Rayburn Drive at a concrete bound on the northerly side of Danielle Drive;

THENCE: By a curve to the left R= 30.00 a curve distance of 47.12 ft. to a concrete bound.

THENCE: N 67-30-00 E 240.96 ft. to a concrete bound.

THENCE: By a curve to the left R=355.00 a curve distance of 128.05 ft. to a concrete bound.

THENCE: N 46-50-00 E 168.62 ft. to a concrete bound.

THENCE: By a curve to the left R=145.00 a curve distance of 74.49 ft. to a concrete bound.

THENCE: N 17-24-00 E 41.39 ft. to a concrete bound.

THENCE: By a curve to the right R= 285.00 a curve distance of 54.43 ft. to a concrete bound.

THENCE: N 28-20-32 E 142.08 ft. to a concrete bound.

THENCE: By a curve to the left R=205.00 a curve distance of 69.80 ft. to a concrete bound.

THENCE: N 08-50-00 E 85.46 ft. to a railroad spike.

THENCE: By a curve to the right R=125.00 a curve distance of 188.26 ft. to a railroad spike.

THENCE: S 84-52-30 E 74.22 ft. to a concrete bound.

THENCE: S 12-51-30 W 5.05 ft. to a concrete bound.

THENCE: N 84-51-00 E 112.97 ft. to a concrete bound.

THENCE: By a curve to the left R=27.81 a curve distance of 40.71 ft. to a concrete bound on the westerly side of Braney Road.

THENCE: Southerly 90.24 ft. by Braney Road to a concrete bound.

THENCE: By a curve to the left R=22.39 a curve distance of 37.63 ft. to a concrete bound.

THENCE: S 84-51-00 W 113.95 ft. to a concrete bound.

THENCE: S 12-51-30 W 5.05 ft. to a concrete bound.

THENCE: N 84-52-30 W 67.43 ft. to a concrete bound.

THENCE: By a curve to the left R=75.00 a curve distance of 112.96 ft. to a concrete bound.

THENCE: S 08-50-00 W 85.46 ft. to a railroad spike.

THENCE: By a curve to the right R=255.00 a curve distance of 86.82 ft. to a concrete bound.

THENCE: S 28-20-32 W 142.08 ft. to a concrete bound.

THENCE: By a curve to the left R=235.00 a curve distance of 44.88 ft. to a concrete bound.

THENCE: S 17-24-00 W 41.39 ft. to a concrete bound.

THENCE: By a curve to the right R=195.00 a curve distance of 100.17 ft. to a concrete bound.

THENCE: S 46-50-00 W 168.82 ft. to a concrete bound.

THENCE: By a curve to the right R=405.00 a curve distance of 146.08 ft. to a railroad spike.

THENCE: S 67-30-00 W 240.96 ft. to a concrete bound.

THENCE: By a curve to the left R=30.00 a curve distance of 47.12 ft. to a concrete bound on the northeasterly side of Rayburn Drive.

THENCE N 22-30-00 W 110.00 ft. to the point of beginning.

Horseshoe Lane:

Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavallee Brothers, Inc, 497 Central Turnpike, Sutton, MA, on file with the Office of the Town Clerk of the Town of Millbury. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a railroad spike on the southwesterly side of Rayburn Drive at the southeasterly end of Horseshow Lane;

THENCE: By a curve to the left R=311.24 a curve distance of 110.95 ft. to a concrete bound.

THENCE: N 42-55-30 W 159.34 ft. to a concrete bound.

THENCE: By a curve to the right R=110.00 a curve distance of 147.05 ft. to a concrete bound.

THENCE: N 33-40-00 E 20.91 ft. to a railroad spike.
 THENCE: By a curve to the right R=110.00 a curve distance of 133.43 ft. to a concrete bound.
 THENCE: S 76-50-00 E 198.20 ft. to a concrete bound.
 THENCE: By a curve to the left R=30.00 a curve distance of 32.29 ft. to a concrete bound on the westerly side of Rayburn Drive.
 THENCE: Southwesterly by the northeasterly end of Horseshoe Lane to a concrete bound on the westerly side of Rayburn Drive.
 THENCE: By a curve to the left R=30.00 a curve distance of 58.89 ft. to a concrete bound.
 THENCE: N 76-50-00 W 141.50 ft. to a concrete bound.
 THENCE: By a curve to the left R=60.00 a curve distance of 72.78 ft. to a concrete bound.
 THENCE: S 33-40-00 W 20.91 ft. to a concrete bound.
 THENCE: By a curve to the left R=60.00 a curve distance of 80.21 ft. to a concrete bound.
 THENCE: S 42-55-30 E 107.34 ft. to a concrete bound.
 THENCE: By a curve to the left R=60.00 a curve distance of 122.24 ft. to a concrete bound on the westerly side of Rayburn Drive.
 THENCE: Southerly by the westerly side of Rayburn Drive and the southeasterly end of Horseshoe Lane to the point of beginning.

Lisa Drive:

Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA, on file with the Office of the Town Clerk of the Town of Millbury. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a point on the northeasterly side of Rayburn Drive at a concrete bound on the westerly side of Lisa Drive;

THENCE: By a curve to the left R=30.00 a curve distance of 47.12 ft. to a concrete bound.
 THENCE: N 67-30-00 E 68.53 ft. to a concrete bound.
 THENCE: By a curve to the right R=355.00 a curve distance of 127.56 ft. to a concrete bound.
 THENCE: N 88-05-15 E 372.57 ft. to a spike.
 THENCE: By a curve to the left R=83.44 a curve distance of 57.60 ft. to a point on the westerly side of Braney Road.
 THENCE: Southwesterly by Braney Road to a point.
 THENCE: By a curve to the left R=30.00 a curve distance of 42.97 ft. to a concrete bound.
 THENCE: S 88-05-15 W 107.21 ft. to a concrete bound.
 THENCE: S 06-42-02 E 10.04 ft. to a concrete bound.
 THENCE: S 88-05-15 W 215.30 ft. to a concrete bound.
 THENCE: By a curve to the left R=305.00 a curve distance of 109.59 ft. to a railroad spike.
 THENCE: S 67-30-00 W 68.53 ft. to a concrete bound.
 THENCE: By a curve to the left R=30.00 a curve distance of 47.12 ft. to a concrete bound on the northeasterly side of Rayburn Drive.

THENCE: N 22-30-00 E 110.00 ft. by Rayburn Drive to the point of beginning.

Right-of-Way situated along the northerly side of Rayburn Drive:

Said roadway is shown on a plan entitled "Street Layouts & Easements in Oakwood Heights, Millbury, Mass", dated December 13, 1996, prepared by Lavalley Brothers, Inc, 497 Central Turnpike, Sutton, MA, on file with the Office of the Town Clerk of the Town of Millbury. In accordance with the plan, said roadway is more particularly described as follows:

Beginning at a concrete bound on the northerly side of Rayburn Drive at the southeasterly corner of tract owned by the Town of Millbury;

THENCE: N 57-18-20 W 115.66 ft. by the northerly sideline of Rayburn Drive to a point.
THENCE: By a curve to the left R=30.00 a curve distance of 56.55 ft. to a point.
THENCE: N 14-41-16 E 114.41 ft. to a point.
THENCE: S 63-02-30 E 51.16 ft. to a point.
THENCE: S 14-41-16 W 139.29 ft. to a point.
THENCE: By a curve to the right R=30.00 a curve distance of 37.70 ft. to the point of beginning.

EXHIBIT B

Property Owners

Property Owner(s): Quality Home Builders, Inc.
Mailing Address: 11 John Street, Sutton, MA 01590
Property Affected: The Ways;
12 Rayburn Drive, Town Assessors Parcel 39-42; and
0 Rayburn Drive, Town Assessors Parcel 39-16
Deed Reference: Worcester District Registry of Deeds, Book 12779, Page 207

Property Owner(s): Wainwright Bank & Trust Company
Mailing Address: 63 Franklin Street, Boston, MA 02211
Property Affected: 51 Rayburn Drive, Town Assessors Parcel 47-99; and
58 Rayburn Drive, Town Assessors Parcel 47-101
Deed Reference: Worcester District Registry of Deeds, Book 19341, Page 362