

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

September 10, 2013

7:00 p.m.

Present: Board of Selectmen: E. Bernard Plante; Francis B. King; Brian M. Ashmankas; Sandra J. Cristo; Mary Krumsiek; Town Manager, Bob Spain; Tom Reilly, *The Millbury-Sutton Chronicle*; Susan Spencer, The Telegram & Gazette; Edd Cote and other concerned citizens.

Bond Anticipation note renewal for the Aerial Scope in the amount of \$858,823.00.

Motion to sign the Bond Anticipation Note made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Town Manager Spain made a Presentation to **Brian E. Turbitt, Finance Director**, for receiving a Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) from the Government Finance Officers Association. Mr. Spain is very proud of Brian and personally would like to thank him and his team for all their hard work- Brian leads his team with great expertise. Brian wanted to thank the Manager for supporting his department during this process. It took around 80 hours to compile the information for submittal to the GFOA. He thanked his Assistant Town Accountant, Katie Lavallee, Principle Assessor, Sandy Genna and Treasurer/Collector, Denise Marlborough- through their efforts everything was done well. As Finance Director he is very proud to have this- we are the only one of 22 communities to be given this award in the State of Massachusetts. Brian would like to do this every year as it notes how well the town operates and our rating agencies looks favorably on this.

Chairman Plante said that this town and Board are extremely proud of what Brian has done for this town.

Application for License to store flammables, combustibles or explosives at 1537 Grafton Road. Jeff Moore appeared for Special Metals Corporation. Town Manager Spain said that we have a letter from Chief Rudge recommending a couple of things that have to be done and he would recommend waiting until things are done with the Fire Marshalls and continue it to September 24th. They are working together with the Fire Marshal and the Fire Chief. Chairman Plante asked Mr. Moore if that would hinder his business and Mr. Moore was ok with the continuance.

CMRPC Pre-Disaster Mitigation Plan- CMRPC did public hearings on this in the spring and this is just a cleanup item. The Resolution was read by Selectman Ashmankas.

Motion to accept the CMRPC Pre-Disaster Mitigation Plan made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Application for Common Victualler License-Maged Sawiras-56 Canal Street- He is taking over the business for Fadi El Messih at the Ice Cream Parlor. It will be the same food and hours as before.

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

Ed Salvidio-New Drainlayers License- he is just starting to work for himself and would like to get some jobs in town. Selectman King asked if he subcontracts and he does not.

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

Motion carried unanimously.

Jayne Davolio, Town Clerk and Robert McNeil, DPW Director- **Transfer Station Rules and Regulations:**

Selectman Ashmankas asked for a clause in the rules to let residents of Millbury use the Transfer Station even though their vehicles are held in a trust as long as all of the administrators of the trust are Millbury residents. Selectman Ashmankas does not believe this would cause a problem if the people are only disposing of their Millbury residential trash.

Ms. Davolio said that the trusts that she has encountered was held in Grafton; she thinks they would be going down the wrong path by opening up the stickers to trust holders; it opens up too many loop holes. Selectman Cristo asked about the insurance policy-if their names are on their insurance policy with the address of being from Millbury. If one person is not from Millbury they should not be allowed.

The people with the Trusts should bring all of their paperwork in and meet with Jayne for discussion regarding making exceptions. If they are all from Millbury and the excise tax is coming to Millbury it may be open to an alteration. Ms. Davolio will meet with the trust holders and return for the September 24th meeting with her findings. Selectman King said that we should make sure that they are all residents of Millbury and we are getting the excise taxes for the vehicles.

Rob McNeil- DPW Director Update: FEMA has notified us that we are getting reimbursed \$38,440.67 from the February Blizzard; West Main Street fencing is over \$10,000 so we have to go out to bid on that; the sewer rate has been set at \$8.95 up from \$8.49, the sewer bills will be mailed out on Friday the 13th; MADOT 146 bridge improvement project 25% design plans public hearing will be on October 9th, 6:30 pm – 9:00 pm in this room; the McCracken Rd project to moving on to the design phase; N. Main and Grove St area for ADA ramp improvements; they are training staff to meet the complexities of the codes that need to be addressed year to year; Selectman King said the crew has done a great job; Mixed emotions that he announces that our Lead at the transfer station Robert Roy will be retiring October 1st-thank you for his many years of service-he is going out on a high note; he has done a lot to work

towards our tonnage going down and recycling going up; In August we are down 17% from last August-sustained double digit numbers for 6 mos; recycling is up over 100%; hats off to everyone who has helped contribute to that-especially the sticker holders. We advertised the position internally per the union contract and Mr. McNeil recommends Joe Lobas for the position at the transfer station; we have received a State grant from CIC of approximately \$62,000 to study the feasibility of introducing an anaerobic digester at the sewer facility; the executive summary is on the website and the Phase 2 part of that study which is a conceptual layout of the facility; we can now move into phase three which a full financial analysis to see if this is a good thing for this town. The digester takes garbage and turns in into heat. FYI for the board: there is an issue going on at the intersection of West Main and Sutton Road-the new owner of the old Royal Pizza building is questioning the drive through area and the town's right of way. Selectman King thinks this may create a safety hazard if they block it off.

Selectman King asked about the parks building on Providence Road –it has to go out to bid and we have to have the money; when are the new vehicles coming in? Rob is working on that with the finance director this week.

Chairman Plante asked about paving-when and where? He has been working with the Roadway Advisory Committee and our newly contracted paving company, Aggregate; this year they will be doing Howe Ave; River Street; Wheelock Ave area near East Millbury Park; and about 1000 feet on Auburn Road as a band aid until it is reconstructed. Due to personnel challenges and sever workers compensation issues-we never started the drainage on Stowe and Carleton-we are substantially behind on that. We will get to those this fall.

Selectman Krumsiek asked Rob to look at 38 Davis Road regarding drainage area. Selectman Cristo asked when they will start filling potholes. They have a crew out every week doing potholes- if it is reported to the DPW it is filled within 7 days; please report a pothole if you see one. Central Cemetery- when are extra spigots put in? He is working with Aquarion for materials and assistance- the Chairman has enlisted the help of some contractors-he does not have a schedule because of the prioritizing of projects. Selectman Cristo asked what the new price was for digging a grave. What is the administrative fee for- it was added by the commission to deal with mark-out and research for managing the records. The records they inherited were very antiquated- it takes many hours to comb through the records. The fee has been adopted within the past year-they did a comprehensive fee structure review. The fees had not been adjusted in many many years; Selectman Cristo is opposed to any fee increase especially ones that have not been put in front of the board. The Chairman agrees that they should be told.

Selectman King asked about any updates on any of the dams. They have applied for a grant for the Ramshorn Dam and engineering is underway; should have a draft by the end of Sept and go out to bid shortly after Christmas; we have not heard about ownership on the Brierly Pond dam.

Selectman Ashmankas asked about a stop sign in the area of Elmwood and Old Common being overgrown.

Chairman Plante asked if anyone has gotten back to Chief Rudge regarding Felters Mill on West Street.

Previous Minutes:

Motion to approve minutes of the meeting for August 27, 2013 made by Selectman Krumsiek, seconded by Selectman Cristo.

Motion carried unanimously.

Town Manager Report:

Mr. Spain is appointing Chief Howell and Chief Rudge ex-officio members to the Ambulance Committee.

Motion to concur with the appointments made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

Mr. Spain is appointing Ann Kach from the Teacher's Union to the Safety Committee.

Motion to concur with the appointments made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

The Wheelabrator tonnage downward trend is very exciting- Selectman Cristo said that the education the residents received and not having to use the bags got people to open their eyes to recycling.

CodeRed Emergency Notification System is up and running- goes to our website and sign up your phone numbers to the data base to receive alerts.

We have received a phone call from the trustee of the bankruptcy who is looking to sell the WineNation liquor license.

DPW negotiations is almost there-met last week to make sure we were all on the same page with agreements; by next meeting we should be ready to approve that contract.

First reading of the CORI policy-we got the policy from DCJIS-Tish in our office got certified to use the system; any suggestions or changes call the office.

On Friday, September 9, 2013 MA Gaming and Entertainment officially withdrew their proposed plan to build a slots parlor here in Millbury; they officially withdrew their application with the

planning board; there is no need to hold an election-we did receive a legal opinion because some people voted by absentee ballot- in the opinion of the Secretary of State and our Attorney- we can cancel but there is a minute possibility to get sued by people who did not get the chance to vote. It is Mr. Spain's recommendation to cancel the election; Town Clerk, Jayne Davolio concurred with Mr. Spain's recommendation; she stated that she will destroy all ballots and set warrant at all places.

Selectman Ashmankas moved and Selectman Cristo seconded to cancel the election scheduled under the provisions of G.L. c.23K, §15(3) in response to a request from Massachusetts Gaming and Entertainment, LLC ("MGE"), to vote on the Host Community Agreement with the Town concerning the construction and operation of a Category 2 gaming facility on property located on McCracken Road, where:

- (1) MGE has irrevocably withdrawn its application filed with the Massachusetts Gaming Commission;
- (2) MGE is no longer eligible to be awarded a license to construct or operate a gaming facility in the Town;
- (3) A vote on approval of the Host Community Agreement can have no legal effect for purposes of the Expanded Gaming Act;
- (4) Withdrawal of the application has created substantial questions as to the meaning and legal effect of any vote on the question appearing on the ballot, which question is specific to the Host Community Agreement negotiated with MGE; and
- (5) If the Town proceeds with the election, voter confusion and uncertainty will ensue.

Motion carried unanimously.

Police Contract- This is a three year contract from July 1 2013 – June 30 2016-1%; 2%; 1.5% ; adjustments in times to physical training requirements; make changes regarding acting chief, acting sgt. or appointment of provisional sgt if necessary; made changes in overtime hours that can be worked in a 24 hr period; increased uniform allowance in second year of contract. Mr. Spain would like to commend the Union for working together to get it done so smoothly. He would like to than Officer Warpula for her efforts.

Motion to sign the Police Contract made by Selectman King, seconded by Selectman Cristo.
Motion carried unanimously.

Mr. Spain read a letter from the Treasurer/Collector Association regarding recertification to our Treasurer/Collector Denise Marlborough. This is the type of workers we have here at the town hall- they are dedicated employees who work to better themselves.

Selectman Ashmankas asked about the impact study being done by ProForma. Mr. Spain said that he called them and cancelled it on Friday. The grant money from the MA Gaming Commission will pay all outstanding bills.

Old/New Business:

Selectman Cristo presented a job posting for town council for the Board to look at and to give to the In House Attorney Feasibility Committee.

Mr. Spain received a call from the neighbor at 5 Katherine Street and the Barbieri dog was loose again. Selectman King said that the agreement was to pick the dog up if he got out again; the Board would like the dog confiscated by the animal control officer if the dog is out.

Selectman Ashmankas asked about the town manager evaluation; Selectman King put another workshop together and scheduled the workshop meeting after the Sept 24th meeting; 5 questions and 2 goals each.

Dates to Remember:

The Irish Express will be at Senior Center on September 12th from 5:00 pm – 7:00 pm.

There is a Worcester County Selectman Meeting on September 19th in Sterling at 6:00 pm.

The Millbury Block Party will be September 21st.

Mail:

Mr. Spain read a letter from Mass Gaming & Entertainment terminating the Host Community Agreement dated July 23, 2013.

Letter from the Fire Chief regarding Asst. Chief Piscitelli and Mike Manners jumping in to Dorothy Pond to save a person who drove into the pond on July 29th. They should be commended for their actions. Chairman Plante said it is not unexpected, but terrific. This is how our firefighters work every day.

Letter from Town Clerk, Jayne Davolio asking to appoint Permanent Poll Worker- Lillian MacDonald.

Motion to appoint Lillian MacDonald as a Permanent Poll Worker made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

Letter from Fire Chief Rudge regarding a donation from Goretti's in the amount of \$149.00 for Fire Department Field Day.

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

Motion carried unanimously.

Adjournment

Motion made by Selectman King to adjourn at 8:48 p.m., seconded by Selectman Krumsiek.

Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

E. Bernard Plante	_____
Francis B. King	_____
Brian M. Ashmankas	_____
Sandy J. Cristo	_____
Mary Krumsiek	_____

The Board of Selectmen