

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES  
SELECTMEN MEETING ROOM

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6:48pm

2018 SEP 26 PM 3: 38

September 11, 2018

Present: Chairman Jon Adams, Vice-Chairman Mary Krumsiek, Scott Despres (ABSENT), Katie McKenna, Chris Naff, Town Manager- David Marciello, Stefano Lorretto, Laurie Connors, Jim Dunn, Patria Arp, Various citizens, Press.

*\* Some of the agenda items and discussions may have been called out of order  
~ as noted in these minutes ~*

**6:48 PM Opening of the Meeting:** Chairman Adams called the Regular Session of the Board of Selectmen to order at 6:48 PM.

**6:48 PM. Executive Session:**

Chairman Adams called for a roll call vote to enter into Executive Session in accordance with M.G.L. c. 30A, Section 21(a), Purpose 3, the litigation exemption to discuss strategy with respect to litigation, Sciascia v. Town of Millbury, if an open meeting may have a detrimental effect on the litigating position of the Board and the chair so declares. Motioned Krumsiek, seconded Naff, roll call all aye, announcing that the Board would reconvene in open session thereafter.

**7:00 PM Resume Regular Session:** Chairman Adams called the meeting back into open session at 7:00 PM and led those in attendance in the Pledge of Allegiance to the Flag followed by a moment of Silence to memorialize the tragedy of September 11, 2001.

**New Business:**

**7:06 PM Aggregation Settlement with Public Power:**

Public Power had approached the state regulatory commission and requested a rate increase arguing that a regulatory change had caused them to incur a cost overrun and per the aggregation agreement with the participating towns, Public Power was due a pass-through for this incurred cost. The partnership-towns argued that this occurrence was not a regulatory change as defined in the contract but was merely a market fluctuation and therefore any rate increase would be a breach of the contract.

With the above being the opposing positions on the issue, the two sides agreed to settle this disagreement. Mr. Stefano Loretto, the Town's consultant from Good Energy, read the notice of the settlement. The notice will be kept on file in the Town Managers Office, posted at the Town Hall for the mandatory time-frame and will likewise be posted on the Town's webpage for the similar duration.

There were no motions or votes on this action item.

**7:11 PM Discussion to award the Solar RFP at the Transfer Station and the Sewer Department:**

Town Planner, Laurie Connors, addressed the Board and outlined the procedure that the Town had followed. She informed the Board that the Town had received 5 bids but one had to be rejected as it came

in after the posted time. The 4 remaining proposers were Ameresco, Sunpower, Palmer Management, and Advanced Solar.

Ms. Connors explained the rating criteria per MGL 30B and that the process was not based on the highest monetary bid, but a weighted scoring system of what was the most advantageous to the Town. There had been some questions as to one proposal's completeness and/or if they had been responsive and/or responsible. In particular Sunpower did not sign their authorization to bid form or provide DCAM certification, as the RFP Required. Subsequent to the RFP opening, Sunpower had contacted the Town and informed them that both documents could be provided to correct this.

Town Manager Marciello, the Town's CPO, informed the Board that MGL allowed him to waive some requirements and does not give him the discretion on others. These particular requirements fall into the former category and he announced that he would waive these requirements that they had to be submitted with the proposal so long as they were adequately provided contemporaneously. If they were, then he would accept their proposals as complete.

Chairman Adams made certain to put on the record that he wanted decommissioning bonds to be put on file and that they are ensured to never expire. Discussion further ensued that the wishes of the BOS is that the area be as ascetically pleasing as can be. Moreover if there is a way in which the site can be positioned so that a privacy fence could be installed, that would be the most advantageous scenario.

The various price proposals were discussed and it was noted that Sunpower's price proposal was difficult to calculate. Their proposal did not adequately list their equipment or the yield from their roposed equipment so their calculations could not be justified. Therefore, the rating committee had seen this as a problem with their bid and their rating so reflected. Thus, although their price proposal *appeared* to be the highest, *it was not verifiable* thus it was not deemed reliable. The second highest price proposal, Amoresco, had their calculations very easily verified and all of their equipment and the equipment's capabilities were all clearly listed. Thus, their overall rating reflected this as well.

Ms. Connors then made the recommendation to the Board that the highest rated proposer, Amoresco, be awarded their proposal for 25 years at an estimated \$3,805,500 including lease payments and a pilot agreement. The actual payment will be based upon the end product and how it is engineered based upon sight conditions.

#### **7:55 PM 61B Park Hill Avenue Clear View Country Club:**

Ms. Connors continued to address the Board and informed them that her Board, the Planning Board, had voted to recommend the Town to option their right of first refusal to meet the current P/S offer of \$3.1 million dollars.

The Town Manager outlined what this would take including a Special Town Meeting and an election to borrow the funds, all within the 120 day deadline which had already begun upon receipt of notice. Various options were discussed including purchasing the property for a cemetery, purchasing the property and selling off some lots to defray the costs of the borrowing, purchasing the property and maintaining it as a municipal golf course.

On a motion by Selectman Krumsiek, 2<sup>nd</sup> by Chairman Adams to hold a Special Town Meeting so that the citizens could review all options and decide if they wanted to pursue the purchase, voted Adams and Krumsiek aye, McKenna and Naff nay with Despres absent. The motion failed.

Discussion continued and it was decided to place the action item back on the agenda for the following meeting. At that meeting, all Selectmen are to bring with them their research as to why they believe their position is advantageous. Moreover the Finance Director and the Planner are to collaborate in making a report that outlines a breakdown of what purchasing the golf course vs not purchasing and having the property developed would look like financially. An analysis of the impacts of X,Y,Z units and X,Y,Z children as well as tax receipts and costs should be part of this report.

**8:30 PM Vote to approve the appointment of Amy Fleming as the Executive Assistant to the Board of Selectmen and the Town Manager:**

Moved Krumsiek, 2<sup>nd</sup> Naff and voted all aye.

**Town Manager Report:**

Very brief discussion, nothing noteworthy mentioned, no motions, no votes.

**Previous Minutes: August 28, 2018:**

Motioned Krumsiek, 2<sup>nd</sup> Naff and voted all aye.

**Mail: 7:10 P.M.:**

Even though the event was Saturday 9/8- "The Ride to Remember " was acknowledged and the information for donations was read aloud.

**Adjournment: 8:35 PM**

Motion to adjourn by Selectman Krumsiek at 9:06 pm, seconded by Selectman Naff  
Motion carried unanimously.

Respectfully Submitted:

David J. Marciello, Esq., MPA  
*ICMA-CM*  
*Town Manager*

**Millbury Board of Selectmen:**

**Jon A. Adams**

**Mary Krumsiek**

**Scott Despres**

**Katie McKenna**

**Chris Naff**

**ABSENT THIS MEETING**