

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

October 14, 2014

7:00 pm

Present: Board of Selectmen: Francis B. King; Sandy Cristo; Mary Krumsiek, Brian M. Ashmankas; William Borowski; Town Manager, Bob Spain, Tom Reilly, *The Millbury-Sutton Chronicle*; Henry Schwan, *The T&G*; Edd Cote

Chairman King called the meeting to order

Approve & Sign Warrant for **State Election** to be held on November 4, 2014

Motion to approve and sign warrant for the November 4, 2014 election made by Selectman Borowski, seconded by Selectman Krumsiek.

Approved by Roll Call Vote

Appoint member of the **Council on Aging**: The COA has sent a recommendation for Karen (Kaye) Peltier. Mr. Spain said that they had five applicants and he concurs with the recommendation of the council as she is a qualified pick.

Motion to appoint Karen Peltier to the Council on Aging made by Selectman Borowski, seconded by Selectman Ashmankas.

Approved by Roll Call Vote

Common Vic License- **SEA Cuisine-3 Howe Avenue**- Pattamaporn Rakkun is planning on putting a Thai restaurant in Millbury at the former Fish & Chips; she is going to try to do fish & chips on Thursday and Friday, the rest of the week she will serve Thai food.

Motion to approve pending all other permits are approved made by Selectman Ashmankas, seconded by Selectman Cristo.

Motion carried unanimously.

First Reading of **One-Day Liquor License Policy**- Selectman Ashmankas asked to clarify Section 3; Selectman Borowski asked to have the Chairman sign off in case of emergency.

Change of Sunday Hours- Lenny's Liquors- 148 Worcester/Providence Tpk.

Motion to approve the Change of Sunday opening to 10:00 am effective 10/23/14 made by Selectman Borowski, seconded by Selectman Ashmankas.

Motion carried unanimously

Change of Sunday Hours- JT's Corner Store- 238 Millbury Ave.

Motion to approve the Change of Sunday opening to 10:00 am effective 10/23/14 made by Selectman Borowski, seconded by Selectman Ashmankas.

Motion carried unanimously

One-Day Liquor License—Blackstone Valley Chamber of Commerce at Felters Mill;
October 23, 2014; 7:00 pm – 10:00 pm

Motion to approve the one day liquor license made by Selectman Borowski, seconded by
Selectman Ashmankas.

Motion carried unanimously.

One-Day Liquor License—Banks Catering at Asa Waters Mansion; October 18, 2014;
6:00 pm – 8:00 pm

Motion to approve the one day liquor license made by Selectman Borowski, seconded by
Selectman Ashmankas.

Motion carried unanimously.

One-Day Liquor License—Bartending Service of New England at Asa Waters Mansion;
October 24, 2014- 7:00 pm – 11:00 pm

Motion to approve the one day liquor license made by Selectman Borowski, seconded by
Selectman Cristo.

Motion carried unanimously.

7:15 PM- Superintendent Greg Myers

He wanted to thank the selectmen for having him. His last two months the transition has been welcoming, supportive and very productive; it has been enjoyable and hopefully it will continue through the budget process. He believes it takes a village to raise a child; this is a collaborative effort to work in the best interest of the children and the tax payers. The state initiatives that we have been tackling are student achievement, professional development and to make sure our students and staff are as safe as possible. Chairman King thanked him for coming in and welcomed him to Millbury; Selectman Krumsiek said he is spoken of very highly on Facebook. He makes it a point to get out of the office and get into the schools as much as possible. Mr. Spain said that he is glad that Mr. Myers has agreed to come to a department head meeting and is looking forward to working with him.

7:30 PM- Chief Howell

Chief Howell submitted a progress report in the books for the last quarter;*attached- he would like to go over some highlights of that report: The (2002) management report is at 75% competition and next year he will be at 100%. Officer Christopher Poselli completed a drug recognition program in Arizona; he can identify what reactions are to which drugs. He is 1 of 100 officers who can do this. Sgt. Lewos and Sgt. McFaul have been trained as school resource officers. They are not permanent SRO's , he would like to have a permanent SRO and have the 2 Sgts. as supplemental officers; We have conducted an underage liquor compliance check and have checked 26 establishments; there are five hearing tonight. We have offered three CPR

classes, next class is October 16th but that one is full, if anyone is interested please ask for Sgt. McFaul to start a waiting list; Sgt. Lewos is on the swat team; there is a swat challenge-our team placed third out of 28 teams-please congratulate him. There are six new specials that he appointed last week-they are highly qualified and have great training; this goes to his plan to have the specials at a higher level and stop looking at them as detail officers; especially at the mall the gang training will come into play. He started the "FTO" training for the specials; they are required to have 4 hours of training at the department and ride alongs. The chief has been working with the superintendent to come up with a comprehensive school safety plan, right now they are working on an active shooter discussions. The superintendent has been very open to communication and has been very helpful in this safety plan, he is grateful to have him here. Selectman Krumsiek asked the state wide advisory committee for CPR/first responders. The Chief said that Sgt. McFaul, Officer Oliveri and Dispatcher Rutherford were recognized for performing life saving measures -he went to Springfield with the officers and presented them with a commendation.

Selectman Borowski thanked the chief for his proactive work and moving away from the reactive policing.

Selectman Cristo said that she took the CPR course and it was excellent. Chief said that the DPW director and the Library Director took it as well and he is very happy.

Selectman King asked if the department was up to full staff; he has one more officer hopefully coming in November.

Chief thanked all of his staff and the selectmen for the support.

7:35 PM **Chairman King** opened the public hearing and swore-in the witnesses. He said that there are five establishments and he will have Lt. Desorcy present the finding. Then each establishment can explain themselves.

Lt. Desorcy presented the facts of the case. The Millbury Police Department did compliance checks for sale of alcoholic beverages to a person under 21 which is in violation of Ch. 138 §34. They followed strict guidelines from the ABCC. There were 3 underage operatives, they were photographed, were told they could not bring in any identification and could not produce fraudulent identification. They had officers inside and outside of the establishment; once the money transaction took place the violation occurred.

On Thursday, Sept. 18th the operative went into Riverside and exited at 6:48 with a six pack of beer.

At 7:00 pm the operative went in to Millbury Liquors and purchased a six pack of beer;

At 7:16 pm the operative went into Village Knoll and purchased a six pack of beer;

After each violation, Lt. Desorcy went in and advised the employee that they were in violation and they would be getting a notice from the Board of Selectmen with a hearing date. They checked 8 off premises locations that night.

On Friday Sept 19th they had 2 male operatives ages 19 and 17. They checked 20 pouring locations. They had an officer inside to witness the purchase.

At Clearview Country Club they sold a can beer to the operative who was 19- he did not open it and was very nervous. Lt. Desorcy explained to the bartender who he was and she was in violation of the Ch. 138 Section 34.

At the Wheelock Inn at 6:39 pm-a female bartender served to the minor; Lt. Desorcy explained to the bartender who he was and she was in violation of the Ch. 138 Section 34.

Fadi El Massih is the owner of **Riverside Mart**. He said that he takes responsibility for this and he is embarrassed. It is his policy to id everyone and an employee failed to do so; he is doing everything he can do make sure this will never happen again. The clerk is on suspension.

Selectman Cristo asked if the clerks are tips certified. They are not; Mr. Spain recommends that clerk get tips certified.

Steve Tran is the owner of **Millbury Liquors**- He apologized- he does send all of his employees to tips certification. There are no excuses-she did not pay attention-she must obey the law. The next day he made corrections by modifying the POS system- you have to check id before anything can happen.

Victor Patel is the manager of the **Village Knoll**- They made a mistake-he has been in business for 20 years, Selectman Borowski asked how he is fixing the mistake. What actions have you put in place to make this different? He will check everyone's id. Selectman Cristo asked if they are tips certified. No.

Neil Loomis is the owner of **Clearview Country Club** -They had a breach of protocol and he accepts full responsibility and apologizes to the licensing board and the people of Millbury. He has policies and procedures in place; bartenders are tips certified and have to card if the person does not appear over 40. Golf is their business; he said that the bartender didn't card the customer and he will not let this happen again. He appeals for the board to suspend the suspension for a probationary period. Selectman Borowski asked what he is doing to fix this.

They have no intention to serve minors-if they look under 40 you need to card them. This was a wake-up call for them. Selectman Krumsiek told him that he can get signs from the distributors saying 'we card anyone under 40'.

Steve Nevalsky is the owner of the **Wheelock Inn**- He apologizes and all of the girls have been tips certified and re certified. He will make sure this will never happen again.

They checked a total of 26 establishments, 5 were in violation. They do plan on doing this again, Officer Poselli secured a grant for the overtime; they plan on doing them twice a year and apply for these grants as often as they can.

Selectman Borowski explained that the Board has an incredible amount of leeway as the licensing authority. This is the first offense and all five have taken responsibility but he does not want to see any of these establishments back here again; he is offended as a father for them selling to our children. He thinks this board should get a policy to have all people tips certified.

Motion to find all five licensees violated MGL Ch. 138, Section 34 (serving a minor). The board suspends the license for two (2) day, of which two (2) day will be held in abeyance for a period of two (2) years provided no further violations of Chapter 138 or Millbury Regulations occur seconded by Selectman Ashmankas.

Approved by roll call vote.

Motion to close the public hearing by Selectman Borowski, seconded by Selectman Cristo.
Motion carried unanimously.

Chairman King wanted to thank the Lt and Chief for the work done.

Rob McNeil – DPW Director

Regarding the Rt. 146 Bridge- he is asking the Board to discuss micro-staging- to help shorten the schedule of the project. This will allow for the contractor to perform functions at the two roundabouts for alternating traffic for night construction. Mr. Spain thinks this is the right way to go. Selectman Borowski said that because of the area and because of the impact this will have during the day that the more work they can get done at night the better.

Motion made by Selectman Borowski to approve night construction hours for the Rt. 146 Bridge Project area, seconded by Selectman Ashmankas.

Motion carried unanimously.

South Main Street Bridge- on Oct 3rd we were notified by District 3 office that inspection of the bridge downgraded from poor to serious. It has to be closed until repaired or replaced. We met with our bridge engineer and District 3 immediately. Based on the structural deficiencies, the cost benefits to repair vs. replace he is recommending closure. He has proposed a detour using Maple Street. He thinks a repair option on a 100 year old bridge is not a good option. Selectman King asked about a temporary bridge. The initial look at this looking at our right of way does not look like something we could do. We would have to widen the space and take some land to do it; it is not realistic. This is only one of 36 town owned bridges. He is looking for a motion to close the bridge until it can be repaired or replaced and make no parking on Maple Street during the closure. Mr. Spain said that this is not a simple closure. It is not going to be a short project-we don't even have the money to have it engineered. It will probably be around \$2mil. We will have to go through some kind of borrowing process. Chairman King asked for Mr. McNeil to look into a no truck route sign for Maple Street. Mr. McNeil said that there has been a 6 ton limit on Maple Street; but there are no weight limits for Maple Street-he does recommend no parking on either side of Maple Street. Selectman King asked if they would put an overlay on Maple St. hopefully before winter if not in the spring to keep it from deteriorating further. Mr. Spain would include monies in the project to reclaim and repave Maple Street. Selectman Cristo asked if there were any grants available. There are grants but

we are in a line of 3,000 bridges that need repair and probably 10 years waiting. We do need to pursue grants for the other 36 bridges.

Greg Meyers said that as soon as he got this packet from Mr. McNeil he spoke to AA Transportation and they assured him that they could work in the detour with a 5 minute disruption. Parents of students who will be affected will be notified.

Mr. McNeil said that DOT said to him that the immediacy of closing this bridge because we do not have the funds to start the repairs until after town meeting at best. He expects the closure to happen early next week.

Motion to close the South Main Street Bridge as soon as possible and restrict parking on Maple Street made by Selectman Borowski, seconded by Selectman Cristo.

Approved by roll call vote.

Selectman Borowski asked for resident feedback of the traffic issue on Maple Street and said if this board can expedite the repair in any way that they will do what they can.

Selectman King said the crew did a great job on Carleton and Stowe rd.

Previous Minutes

Motion to approve minutes of the meeting for the special meeting of September 19, 2014 made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

Motion to approve minutes of the meeting for September 23, 2014 made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

Motion to approve minutes of the meeting for October 7, 2014 made by Selectman Borowski, seconded by Selectman Cristo.

Motion carried unanimously.

Town Manager Report:

Mr. Spain is appointing Greg Meyers to Safety Committee- he appreciates him volunteering.

Motion to concur with the appointment to the safety committee made by selectman Borowski, seconded by Selectman Ashmankas.

Motion carried unanimously.

Mr. Spain is appointing Maureen Trottier as the part time assessor clerk.

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

Motion carried unanimously.

Mr. Spain is appointing Michelle Desorcy as the planning development department part time clerk starting Nov 3rd.

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

Motion carried unanimously.

Mr. Spain is appointing Jayne Davolio to the Building Siting Committee

Motion to concur with the appointment by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

Mr. Spain is appointing Bob Frederico, the building inspector to the Energy Advisory Committee

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

Motion carried unanimously.

Mr. Spain is appointing Gary Gagne to the Emergency Management Agency.

Motion to concur with the appointment by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

We are going ahead on the 15th with the residential construction debris container at the Transfer Station as pay as you throw; but they have somewhere to bring it.

Mr. Spain and Superintendent Myers attended a focus group on conflict resolution for municipalities. It was good to hear a cross section of opinions.

The Bicentennial Monument is progressing. Hopefully the dedication will happen before snowfall.

We are on track for the real estate of town owned property auction in November- when we opened the house on JFK it had all of the personal belongings in it. We had to get ahold of the previous owner to claim what they wanted and now we have to clean it out. The cost will be added on to the price. It is in good shape, needs some updating but in good shape.

New Business

Selectman Cristo said that Ngrid is expecting a 37% increase in supply. What does this mean for the town? Mr. Spain said that the School and town put out to bid for supply and we have a contract. For us it works out well for the budgeting process. Also our net metering deals with solar have been great.

Selectman Borowski said that seeing that the Brierly Pond Dam repairs were voted down at last year's town meeting; can we consider bringing it up again at town meeting as this will fail sometime. It is Mr. Spain's intent to bring it up again.

Selectman Borowski asked if the safety committee could look to install a three way stop at the intersection of Park Hill Ave and Martin Street. Ask Chief Howell, Chief Rudge, DPW Director and superintendent their thoughts. Safety committee does workplace safety and general safety. We will ask them for their recommendation. Selectman Ashmankas asked about having a warning sign there as well.

Selectman Borowski asked if the Manager and staff could come up with a policy to ensure tips certified servers are being used at our establishments.

Chairman King read Dates to Remember:

Wednesday October 15th -Millbury Cultural Council grant application deadline

Thursday October 16th from 6 to 10 PM -Millbury Police Department free CPR class
sign up at Library

Saturday October 18th from 9 AM to 12 Noon -Butler Farm Bark Park Registration
at the Library

Saturday October 18th -Millbury Days at Broad Meadow Brook Wildlife Sanctuary-
free admission!

Saturday October 25th -Bark Park Halloween Parade on the Common at Noon

On a Good Note

Selectman Krumsiek wanted to thank 'Team Millbury' for the cancer walk- they raised \$6000;
this is spearheaded by Dennis Leonard.

Congratulations to Coach Diangi who won his 100th cross country match.

Get your mammograms! October is Breast Cancer Awareness month.

Mail:

Donation in the amount of \$100 from Fidelity Bank to the Small Business Saturday Task Force.

Motion to accept the donation in the amount of \$100 made by Selectman Borowski, seconded by
Selectman Krumsiek.

Motion carried unanimously.

Selectman Cristo wanted to remind the citizens that small business Saturday is November 29th
this year. Shop Small.

Adjournment

Motion made by Selectman Krumsiek to adjourn at 9:09 p.m., seconded by Selectman Ashmankas.

Approved by roll call vote.

Respectfully submitted,
Tish Hayes, Secretary

Francis B. King	_____
Sandy J. Cristo	_____
Mary Krumsiek	_____
Brian Ashmankas	_____
William Borowski	_____