

TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
SELECTMEN MEETING ROOM

RECEIVED
TOWN CLERK
17 NOV 29 PM 12:55

-November 14, 2017

7:00 pm

Selectmen Present: Acting Chairman Sandra Cristo, Mary Krumsiek, Scott Despres, Jon Adams, Acting Town Manager, Town Manager David Marciello
Steve Balistreri-*Millbury Sutton Chronicle*.

Absent: Chairman Francis B. King

Acting Chairman Cristo apologized for running late because we were in an executive session meeting.

Installation of Stop Signs at Martin St and Park Hill Ave; Chairman Cristo asked if anyone wanted to speak on this? Selectman Despres thanked the chief for getting this done quickly. The residents are happy.

Vote to send Senator Moore a letter requesting funds for Public Safety building. Selectman Adams wanted to make sure this does not lock us into any project. Chief Hamilton explained that the Senator told them that they have to request a figure.

Motion made by Selectman Krumsiek to send Senator Moore a letter asking for funding of \$40,000 for use in design and feasibility for public safety buildings, seconded by Selectman Adams.

Motion carried unanimously.

1st reading of FMLA Policy- Mr. Marciello asked the board to accept this policy as written. This just clears up how we administer FMLA already. Selectman Cristo asked if this applies to the school as well? The payroll system keeps track of who/when this is used on a rolling basis.

Town Planner Laurie Connors and the Acceptance of Streets was tabled until November 28, 2017 meeting.

Chief Hamilton and Chief Desorcy reported on their food drive that raised \$4200 in cash and a lot of food. Chief Hamilton did concede that the Police did win this year with raising \$1700 for "no shave November". Their toy drive will be December 9th at Ray's true value. Thank you to Gorette's for hosting us.

DPW Director- Keith Nastasia- Mr. Marciello said that he has hit the ground running and been very active. Mr. Nastasia gave his update on projects. See attached**

Selectman Adams asked if all of the signage that was agreed to at the onset of the project were going to be up?

Mr. Nastasia said that he is working on an aggressive road paving plan for the next three years starting from the worst going up.

Mr. Nastasia said that the town is part of a salt collaborative so they are saving a lot of money. The mechanic went to a calibration course for the salters/sanders; one of the trucks is equipped with a new mechanism that works with the speed of the vehicle and shuts off at red lights or stop signs. We will benchmark this year with the digital spreader versus the regular spreader to get some good data on how much we are saving.

Selectman Cristo said that she is very happy that the crack sealing is being done. Mr. Nastasia said that we jumped on Sutton's contract for the crack sealing to get that done. He will be doing Wedgewood Drive paving but the easement work can be done later.

Town Manager Report* attached

Mr. Marciello is appointing Keith Nastasia as the Highway and Driveway Opening.

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

Motion carried unanimously.

Mr. Marciello is appointing Chief Richard Hamilton as the Forest Fire Warden.

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

Motion carried unanimously.

Mr. Marciello is appointing David Rudge, Brian Gasco, Robert Silver and Steven Piscitelli as Deputy Forest Fire Wardens.

Motion to concur with the appointments made by Selectman Krumsiek, seconded by Selectman Adams.

Motion carried unanimously.

Mr. Marciello is appointing Andrew Vanni, Finance Director and Keith Nastasia, DPW Director to the Financial Management Planning Committee.

Motion to concur with the appointments made by Selectman Krumsiek, seconded by Selectman Adams.

Motion carried unanimously.

Mr. Marciello said that he is coming to his one year appointment mark. Selectman Adams asked if Mr. Marciello was going to get his five year plan done. Mr. Marciello is working on that this week. He spoke to Mr. Vanni today to get this started.

The HR director's office is done; the building inspector's office will be completed soon, Mr. Marciello came in over the weekend to mud, sand and paint. The training school will be doing the treasurer's office at some point, no date in the near future.

Mr. Marciello found an issue at the dam when he was there inspecting. There is no bollard where the parking spots are to stop a car from going into the pond. He spoke to Pare and their

recommendation was to put in concrete planters. The other options would be bollards, guardrails, or something else. This does meet regulations as it is done right now, but he doesn't want to see someone drive into the pond.

Selectman Adams wants this under budget as it is already six months overdue and things have been added that shouldn't have been, the public just wants the road opened. Selectman Krumsiek asked if this had to be done; it does not have to be per regulations but now that Mr. Marciello sees it as a hazard, he has to fix it.

Mr. Marciello is meeting with the regional board of health agency this week to discuss a regional alternative nurse or social worker as a resource for disabled people.

Mr. Marciello attended the FEMA course to get certified; there is a new way to get FEMA reimbursement. Mr. Vanni and Mr. Nastasia attended as well.

MMA is looking for letters sent to Capitol Hill regarding the new tax codes.

Motion made by Selectman Adams to instruct the town manager to send a letter to Capitol Hill agreeing with the MMA's opinion regarding the new tax codes, seconded by Selectman Krumsiek.

Motion carried unanimously.

Selectman Krumsiek asked what is going on with the burned house lot on Wheelock Ave. Mr. Marciello said that DEP needs signoffs to pickup, transport and dispose of the material. The board of health is working with them to get his done; they expect it to be cleaned up before January. Selectman Krumsiek asked if you could call our legislatures to get DEP moving faster on this.

Previous Minutes:

Motion to accept the minutes of the October 24, 2017 regular selectmen meeting made by Selectman Krumsiek, seconded by Selectman Adams.

Motion carried unanimously.

Motion to accept the minutes of the October 31, 2017 regular selectmen meeting made by Selectman Krumsiek, seconded by Selectman Adams.

Motion carried unanimously.

Remote Participation: Selectman Adams asked where we were at on this; we will wait for a discussion when Fran King comes back.

Plastic Bag Ban: Selectman Despres said that the REC met last week to discuss this. There are four members and they are still looking for a fifth. We have good members including a driver for Pellegrino and a hauler. We are gathering information now and will have more information to come.

Debt Exclusion: Selectman Adams said that there are possible revenue sources for the roads with a stabilization fund to pay for this debt exclusion. He would like to bring a \$5million debt exclusion to town meeting to get our roads done.

Motion to direct Selectman Adams to work with the FD and TM to put a \$5 million debt exclusion on the FY2019 town meeting warrant seconded by Selectman Despres.

Motion carried unanimously.

On a Good Note:

Congratulations to Katie McMillian on National championship in weapons and triple crown winner.

Congratulations to Millbury Girls Soccer Team- winning District Champions and on their way to States!

Acting Chairman read Dates to Remember:

November 15, 2017 7:00pm - Ted Reinstein of Chronicle-Millbury Public Library
“New England General Stores-Exploring an American Classic”

November 25, 2017- Small Business Saturday

November 28, 2017 4:00PM – A Children’s Science Workshop- Millbury Public Library

Selectman Despres added that Chief Desorcy came to our meeting and discussed maybe making West Street a one-way. Chief Desorcy agreed to meeting with the neighbors to share ideas on Thursday, November 16, 2017 at 6:00 pm at the Cake Shop.

Chain of Lights is on Sunday, December 3, 2017 for Millbury

Mail:

Letter from Chief Desorcy regarding a \$30 donation to the Millbury Police Department.

Letter from Chief Hamilton regarding a new Fire Fighter, Colton
Congratulations!!

Notice of Closing for Recycling Center; it will be closed on Thursday November 23, 2017 and Friday, November 24, 2017.

Citizen Speak:

Steve Balistreri thanked the Selectmen and the Town Manager for attending the Veterans Programs at the schools. They were fantastic. On November 18th the veterans and boy scouts will be removing the flags from the cemeteries. Mr. Marciello said that he was in Mrs. Sullivan’s classroom and the questions were very insightful and thoughtful.

Motion to adjourn at 8:44 pm

Motion made by Selectman Cristo, seconded by Selectman Krumsiek to move into Executive Session at 8:10 p.m. under Chapter 39, Section 23B, ¶2 to discuss strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, re: Finance Director’s contract.

The Chairman declared.

Selectman Adams	-Yes
Selectman Despres	- Yes
Selectman Krumsiek	-Yes
Acting Chairman Cristo	-Yes

The board returned at 8:14 pm

Motion to adjourn by Selectman Krumsiek at 8:34 pm, seconded by Selectman Cristo. Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

Francis B. King

Sandy J. Cristo

Mary Krumsiek

Scott Despres

Jon Adams

Handwritten signatures of Francis B. King, Sandy J. Cristo, Mary Krumsiek, Scott Despres, and Jon Adams, each written over a horizontal line.

Memorandum

To: BOS
From: DJM
Date: 11/10/17
RE: Town Manager's Report

Appointments:

- See Agenda for appointments

T.M. Goals and Objectives:

1) Vacancies / Hires: Completed 

2) Master Plan

Deadline

6/30/18

As of 11/10

Update – Consultant has been presented with the contract. Kick-off meeting scheduled for November 15th.

3) Develop, Manage and Implement a 5 Year Financial Forecast for the Town including a Capital Improvement Plan

Deadline

6/30/18

As of 11/10

Update – The Finance Director and I have discussed the forecast objectives and we are in the beginning stages of developing a plan. This process will materialize more during the budget season. I anticipate a workable plan to materialize by ATM. An implementation schedule should likewise be known and established by that same timeframe.

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4) Develop OPEB funding source and/or Plan

Deadline

5/30/18

As of 11/10

Update – The Finance Director and I have discussed the objectives and we are in the beginning stages of developing this plan. This process will evolve as the budget is debated. Although the objectives will stay consistent, the plan could change as economic development situations that are in the works develop. By mid-January, the plan should be established and the implementation schedule should be known.

5) Phase 2 of Tip Project

Deadline

9/30/17

As of 11/10

No update – Awaiting VHB to notify us that they are ready to present their next stage

6) Fees Audit

Deadline

6/30/18

As of 11/10

Not yet undertaken

7) MS4 Funding Plan

Deadline

6/30/18

As of 11/10

No Update

8) 40 U Determination

Deadline

2/1/18

As of 11/10

No update

Town Manager's Report for the 11/14/17 BOS Meeting

9) 2 New Viable Revenue Sources

Deadline	As of 11/10
6/30/18	No update

10) Credentialed And Certified Manager

Deadline	As of 11/10
No deadline	Update

Nationally:

ICMA – I started the process at the conference.

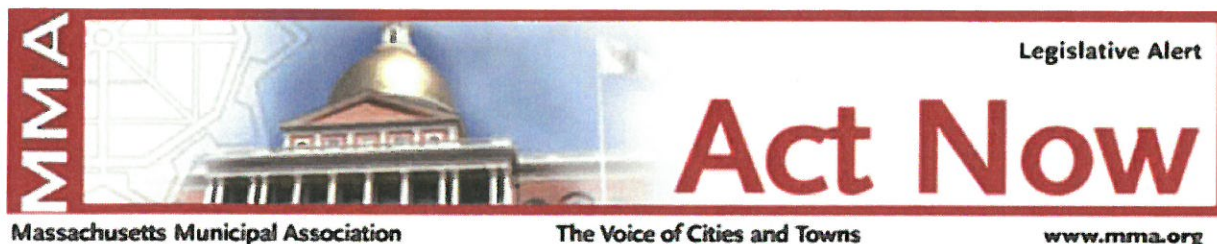
Massachusetts:

I likewise registered for the Massachusetts Certified Manager program. I am beginning a course on November 18th

Logistics:

David Marciello

From: Mass. Municipal Assoc. <vcalaban@mma.org>
Sent: Thursday, November 09, 2017 10:23 AM
To: Bernie Plante
Subject: Act Now to Protect the Town of Millbury in the Federal Tax Debate



Dear Bernard,

The tax reform debate on Capitol Hill will have real implications for local taxpayers and municipal finance in Massachusetts – the current version that the U.S. House of Representatives will be debating next week contains provisions that would increase the tax burden on middle-class taxpayers in our state, and remove important municipal finance tools to build local economies.

Please call your Members of Congress today and ask them to protect local taxpayers by preserving the State and Local Tax (SALT) deductions, the Historic Tax Credit, and all tax-exempt bonds.

[Click here for the contact information](#)
[for U.S. Representatives and Senators from Massachusetts](#)

In coming days, both chambers of Congress are preparing to take initial votes on a wide-ranging federal tax reform bill. As currently drafted, the bill would have a negative impact on cities and towns through four major policy changes: it **eliminates State and Local Tax Deductions (SALT)**, **caps property tax deductions**, **eliminates deductibility of key municipal bonds**, and **axes the Historic Tax Credit**.

Ending SALT deductions would violate a 104-year promise by the Federal Government against double taxation. This provision would have a drastic impact on taxpayers and municipal governments across the Commonwealth. Over half of Massachusetts' taxpayers deduct state and local taxes, and all would see a painful increase in their tax burden should this bill become law. This would make it much harder for municipal and state officials to fund key services, due to the higher effective tax rate on households in Massachusetts.

Eliminating the Historic Tax Credit would harm investments in our communities. This is especially

important for states such as Massachusetts, with many older buildings and factories in need of preservation and redevelopment.

Capping the property tax deduction at \$10,000 would be especially painful for citizens of the Commonwealth, where there are already over two dozen communities in which the average property tax bill is higher than that limit today. Capping this deduction will make it harder for communities to fund vital services such as public schools, police and fire services, and infrastructure.

Provisions revoking the tax-exempt status of Private Activity Bonds (PABs) and eliminating Advanced Bond Refunding would damage local finances and economic development. PABs are an essential tool used to leverage private investment in much-needed local housing and economic development projects, while Advanced Bond Refunding allows taxpayers to refinance and save money on municipal bonds during economic downturns.

The MMA opposed these provisions in a press conference with Senator Edward Markey after Congressional leaders released their plan last week, because of the negative impact this bill would have on cities and towns in the Commonwealth.

[Click here to read the National League of Cities' statement opposing the elimination of SALT deductions.](#)

[Also, click here to read a letter to Congress on this issue from the NLC, signed by the MMA and 21 other state municipal associations from across the country.](#)

It is critically important that our Congressional delegation hear from you on this issue. This bill would lead to an unprecedented double taxation of Massachusetts citizens, harm investments in local communities, and cost taxpayers more to finance municipal obligations.

A broad nonpartisan coalition is working to protect municipal concerns. Changes to tax policy should be balanced and well thought out, which is why the MMA has joined with a wide range of nonpartisan groups to protect cities and towns, including the National League of Cities, the National Governors Association, the National Conference of State Legislatures, the International City/County Management Association, the US Conference of Mayors, and the Government Finance Officers Association. US Senators Markey and Warren, and Governor Baker have all voiced opposition to eliminating key taxpayer protections, such as the State and Local Tax Deduction (SALT).

Also, the MMA would like to thank Congressman Richard Neal (1st Congressional District in Western Mass.), the Ranking member of the House Ways & Means Committee for his steadfast support of municipal concerns during the committee deliberations this week.

If you have any questions about the bill or its impacts, please do not hesitate to call or email MMA
Legislative Analyst David Lakeman at 617-426-7272 at any time.

PLEASE CALL YOUR REPRESENTATIVES AND SENATORS TODAY

Thank you very much!



Massachusetts Municipal Association
1 Winthrop Square
Boston, MA 02110
(617) 426-7272 | [Email Us](#) | [View our website](#)

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- **HR Director's Office:**

Again, on my time, with my tools and using my joint compound, I mudded, sanded and applied a 3rd coat of joint compound, then sanded and applied 2 coats of primer to the outside of his office. Brian applied 2 coats of color to the walls and installed the doorstop. I then installed the baseboard. For all intents and purposes, this is completed and this action item will come off of my report.

- **B/I Office**

The inside of the office is finished. Brian has applied 2 coats of paint to the door, but it needs another coat or two to be finished. I came in last weekend and mudded, sanded and primed the outside walls. I have some touch-up joint compounding to do and then some finish-sanding and a final coat of primer to be applied this weekend. Brian can then paint the outside walls, install the baseboard and a door stop and this office will be completed.

- **Treasurer/ Collector's Office**

The Training School contacted me and indicated that this is still a project on their radar but they gave me no update on what their schedule is. If I do not get confirmation on when this might occur, I will undertake this project on my own or come up with plan B such as local volunteers or prisoner work-programs.

- **Stair Project:**

Completed- it is sealed and caulked. This will come off of the report.

- **Roadway Policy and other Issues:**

I have asked the DPW Director and the Planner to give updates to the Board on their ongoing projects. I am extremely satisfied with these two hires. Both Mr. Nastasia and Ms. Connors have been a whirlwind of activity and checking things off of the to-do list. The Board will be pleasantly surprised with their progress. They will give you updates on their various progress I.E.

- **Policies:**

- **Survey Issues:**

- **Snow Plowing Sand / Salt**

- **South Main St. Bridge**

- **Wedgewood St Easement**

- **TIP Project – McKraken**

- Continued from last report:**

- No update from the mall yet.

- **MS4**

- No relevant UPDATES**

- **Dam Updates:**

The street lights are in, but they need to be adjusted and shields installed before they are ready to be turned on full-time. The shields are on order and should be here in a few days. The sidewalks are in; the guardrails are in; the roadway has been paved; the guardrails are painted. The handrails are beginning to be

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installed and they are continuing over the next week or so; the chain-link fence at the ends of the dam along the abutters' property is slated to be installed in the next week or so and the regulatory signage is slated to go in after the fence. The signs have been ordered. The roadway could be open to the public in a week or so..... however.....

When I was walking the site inspecting the asphalt installation, a design flaw became evident. Now that the sidewalks, guardrails, curbing and asphalt were installed, I was able to see that there was a significant safety issue blatantly apparent to me. As I walked the street, I noticed that where the handicap parking was, the curbing is at street grade to accommodate wheelchairs and no guardrail is installed along the sidewalk. This is so that people can park and roll their wheelchairs right onto the sidewalk. However, there were also "bollards" along the front of the wall-cap to prevent any vehicles from driving over the sidewalk right into the pond. Granted, there will be a handrail eventually installed on the top of the wall-cap, but there is no way a handrail is designed to stop a moving vehicle. The hand rail is there to prevent people from falling off the dam into the water, not stop a moving car, SUV or truck. What prevents these vehicles from going into the pond is the "bollards". (which are engineered poles designed to take the impact of a large vehicle traveling at moderately high speeds) They will prevent a vehicle from going into the pond – not a handrail.

As I continued to walk past the gatehouse, I observed the other parking area set in off of the driving lanes designated for the non-handicap parking. Here there is a granite curb along the sidewalk - because there is not a handicap ramp, so it is not at street grade. In this area, people park along the side of the sidewalk and step out of their vehicles and step up over the granite curb onto the sidewalk. There is no guardrail along this area so that there is nothing obstructing someone from stepping out of their vehicle and onto the sidewalk.

However, unlike at the handicap parking spot, there are no bollards to prevent any vehicle from driving right over the sidewalk and into the pond. At one point along this area, the wall-cap is only 2 inches off of the sidewalk. There literally is ***nothing*** preventing a vehicle from jumping that granite curb ***and literally driving right into the pond***. It's only a 5 or 6 inch curb. Any car moving at a decent clip can jump that curb and an SUV or truck could do it at a rolling pace with no hesitation.

I can envision any person parked in one of those spots putting the car into reverse and accidently hitting the gas instead of the brake- thus driving right into the pond. Or on an icy winter day, a delivery truck coming down Dolan street toward the dam, down the hill, losing control, crossing over the lanes into the parking area and literally driving right into the pond. Or even more tragic: a mother in an SUV with a car seat in the back doing the same... and ending up in the pond with a child strapped in the car seat as the vehicle submerges.

A five or six inch curb or a handrail will not prevent a truck or SUV traveling at 30 MPH from driving right into the pond. We have a situation that has the

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potential for serious injury or even death. And, that is not even discussing the potential for a catastrophic environment accident which would ruin the pond if an oil-delivery truck ended up in the pond, (or any vehicle with a fuel tank filled with diesel). That accident, (spilling diesel into the water) would cost an exorbitant amount to clean and would ruin the pond.

I'm sure you are all wondering how this "design flaw" was overlooked. The engineer addressed that question when we spoke. His answer was that the parking spots are 9 feet wide and the regulations state that if the curb is more than 7 feet from a travel lane ***there is no requirement*** to install a guardrail or other system. Thus, this dam was designed to comply with all laws and regulations. I stated to him that as I stood there looking at the situation that I could see without any difficulty, irrespective of complying with the regs., this was a dangerous situation just waiting for an accident to happen. I further explained that, when someone ended up in the pond, they were going to sue the Town, the builder and the designer – AKA - them.

After reviewing the situation he has presented me with 4 options (attached.) Anything we do in this regard is above and beyond the regulatory requirements but I recommend that we do more than is required... we do what is safe. After reviewing the various options, I recommend that we consider option 4. This will give us adequate protection at a reasonable cost and it will also not take away from the aesthetics. (arguably, planters/ flowers might add to the overall beauty of the dam).

Until we have some type of guardrail/planter/bollard system in place, I cannot open the street without first addressing this situation with jersey barriers in the parking spots. Thus, the roadway will be opened, but the parking spots will not be available until the situation is permanently corrected.

Cell Overlay

The 1st meeting occurred. I have called for a subsequent meeting, none has been scheduled as of yet as we attempt to get our schedules to agree.

○ **Handicap Ramps and other Disability Committee Issues:**

I put a call in to the regional BOH director to open a discussion about investigating a possible area of expansion to include social and emotional disabilities as an area of expansion of their services. This discussion is scheduled to occur during our regional alliance meeting in November (11/15).

Grants:

There are various grants in the works and/or were already awarded: CONTINUING - ONGOING

- The 319 grant **was applied for**
- ADA -- awaiting the results of the 319 grant since this is for construction and the 319 grant is for design and engineering, we can't put the cart before the horse. If we don't get the 319 grant, we could not do the construction. And it

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would be worse to be awarded a grant and not spend the money. It puts you in a bad light the next time you apply.

- Complete Streets –applied for
- Natural Hazard Mitigation Grants
 - Ongoing- we have had 2 meetings on this- I am attending a FEMA certification class on how to apply for mitigation reimbursement after a storm.

40U:

- No updates

Budgets / Financial:

Ongoing:

Regional inventory / collaborative efforts between towns

“Open For Business” function at the Mansion in the spring.

Meetings of Note:

- 11/14 12-end of the day FEMA /MEMA grant reimbursement training/certification to learn how to apply for storm reimbursement payments – what’s allowed, processes, procedures, etc...
- 11/15 11AM-330PM Regional Health Alliance quarterly meeting
- 11/22 monthly regional managers meeting in Auburn 1230-3
- 12/5 Dentist Apt be in by 10ish
- 12/13 CMRPC 930-2:30
- 12/20 Meet the manager COA 9:30-10:30

On the Radar:

Nothing of note

Organizational And/ Or Operations Restructuring

- Master Plan Intern and Capstone class project ongoing
- Capital Plan and Revenue Generation:
Call for volunteers for a revenue generation committee. how we can raise funds for the Town?
- Organizational Chart – Org changes:
This issue is not yet ripe to be brought to the Board, but it is an ongoing assessment. **NO UPDATES**

David Marciello

From: Allen Orsi <aorsi@parecorp.com>
Sent: Tuesday, November 07, 2017 4:56 PM
To: David Marciello
Cc: Jeffrey Costa; Chris Webber; Lindsey Machamer
Subject: 13072.00 Barriers Review

Dave,

We've reviewed options for additional barriers along the parking spots south (right) of the gatehouse and came up with the following:

1. Bollards (17, Similar to those at the handicap parking spot) – good level of protection; highest cost; fair aesthetics; requires partial demo of sidewalk
2. Guardrail Sections ((4) 12 to 15-foot long sections, one at each parking spot) – Good level of protection; moderate cost; poor aesthetics; requires partial demo of sidewalk
3. Pipe Bollards (along backside of upstream wall, (17) 4-inch pipes filled with concrete) - fair level of protection; moderate aesthetics; moderate cost; requires partial demo of sidewalk
4. Concrete Planters (24-in wide, 3.5-ft high, 6-ft± long planters, 4 to 8 required) fair to limited level of protection; fair aesthetics; likely lowest cost; can likely be set directly on top of sidewalk

Let me know if any of these are more attractive than others to the Town and we will have RBI price them out.

Thanks
Allen

Allen R. Orsi, P.E.
Vice President



10 Lincoln Road, Suite 210
Foxboro, MA 02035

508.543.1755 x 5203 | 508.543.1881 fax

*I recommend this option.
I believe it will give
adequate protection, and
not take away from the
aesthetics - and I believe it
will be \$ well spent.*