

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

March 24, 2015

7:00 pm

Present: Board of Selectmen: Francis B. King; Sandy Cristo; Mary Krumsiek, Brian M. Ashmankas; William Borowski; Town Manager, Bob Spain, Edd Cote, Tom Riley and other concerned citizens

Chairman King called the meeting to order

Joe Coggans spoke regarding **the Lions Club 40th Anniversary** party at Pleasant Valley Country Club and he would like to invite everyone in the town. Mr. Coggans is a life-time member along with Bernie Plante, Stuart Mulhane and Steve Walinsky. The lions club has given over \$650,000 to the town. Our administrative costs are absorbed by the members. Any money raised is given to people in need, eyesight impaired and diabetics. We are a little short on money and they are looking for one more good sponsor. The party will be at Pleasant Valley with a five course meal and dancing with the band called Decades by Deszyne. The tickets are \$30.00/person and the town is welcome. It will be held April 24th at 6:00 pm.

Alaloosi & Kayal is looking to establish a d/b/a of Grafton Street Auto located at 1460 Grafton Street.

Motion to approve the d/b/a made by Selectman Krumsiek, seconded by Selectman Borowski to to Alaloosi & Kayal d/b/a Grafton St. Auto.

Motion carried unanimously.

Appoint Bill Berthiaume as an alternate to the **Butler Farm Re-Use Committee**.

Motion made by Selectman Borowski, seconded by Selectman Cristo to appoint Bill Berthiaume as an alternate to the Butler Farm Re-Use Committee.

Motion carried 3-0-2 (Chairman King and Selectman Krumsiek abstained)

Common Vic License- Pizza Stadium-198 Millbury Ave

Matthew Schultz said he will be operating the Pizza/Restaurant and living above it.

The board wished him well.

Motion to approve the license pending Board of Health and Building Inspections made by Selectman Borowski, seconded by Selectman Krumsiek.

Motion carried unanimously.

Doreen DeFazio- spoke about community aggregation and what the Energy Advisory Committee has recommended. The committee looked at several vendors including the Community Choice Aggregation Specialist who spoke at the February 24, 2015 Selectmen meeting, we also looked at Good Energy and Colonial Power. We spoke to many communities who have gone with community aggregation and used some of their data. We recommend a

general warrant article at this time not specifying a company but just to see if the town is interested in doing this. If town meeting votes in favor of this then we will start the bid process. Selectman Cristo thought this was a perfect way to go to let the people make their choice. Motion to put a general article regarding community aggregation on the fy16 warrant made by Selectman Krumsiek, seconded by Selectman Cristo. Motion carried unanimously.

Laurie Connors spoke regarding a parcel of land that is being donated to the town as open space land. See attached map.* This will make about 118 acres at the Brierly Pond Conservation Area.

Motion by Selectman Krumsiek, seconded by Selectman Borowski authorize the Conservation Commission to accept the gift of land described in Exhibit A, which is part of the foregoing deed, for conservation purposes pursuant to MA General Laws, Chapter 40, Section 8C, granted from Brierly Pond Realty, LLC. The land is acquired for conservation and passive recreation purposed, and shall be subject to Article 97 of the Amendments to the Massachusetts Constitution. Motion carried unanimously.

Town Auditor-Roselli and Clark: Tony Roselli spoke about the latest audit of the town. This is the 5th audit they have done for the town. Things are operating very effectively and internal control is still in great shape; this has continued to improve for the past 6 years. *see attached Management Letter. The reserves have been very well maintained, bond rating is continually excellent. OPED-he would like to see the town getting a little more aggressive putting money towards that future liability. Selectman Borowski asked what communities are doing that and how much? Dedham is doing a great job of this and is fully funding it; Westminster and Walpole as well, funding it lowers the liability. Mr. Spain would fund it as you go and he explained that OPED is basically insurance costs for the retirees, he doesn't believe in fully funding it as it could change with percentages of payments. Selectman Borowski said that this board may need to discuss percentages for retirees. Chairman King said that we could discuss it at a future meeting. Mr. Roselli said that we need to watch out for cyber-crimes with wiring and such. There was an issue with the student accounts which has since been resolved. Roselli and Clark will be doing a direct audit of student accounts as it is due this year. Mr. Spain said even with the shakeup of the financial department, he is very proud that we have continued to have great audits and not even needing a management letter, if we find something we fix it immediately; Mr. Roselli added that the town usually fixes any little issues before the meeting even takes place. Mr. Spain said that we are doing great under Finance Director, Katie Lavallee.

Village Knoll Variety Public Hearing – Selectman Krumsiek read the public hearing notice into record.

Attorney Patrick Flynn said that he is here again to transfer the paperwork; he was hear over a month ago and needed to fix a couple of issues. This is a family owned business and they are putting Neal Patel as manager and stockholder.

Chairman King reminded them that they are still under the same probationary period regarding the selling to a minor.

Motion to approve the transfer of stocks and change of manager made by selectman Borowski, seconded by Selectman Cristo.

Motion carried unanimously.

Jayne Daviolio- spoke regarding the **Public Safety Sighting Committee**; she is the Chairman of the committee. Mr. Humes was also present who did the drawings for the complex. They did receive a grant for \$25,000 for sight work. She began in October of 2014 and they started looking into sights and plans. They are looking for approval on a ballot question for design costs and land acquisition.

Chief Rudge and Chief Howell took the podium.

Chairman King asked why we went with 2 separate buildings. Chief Howell said that it would be more beneficial to the town; in 2006 they had estimates for the separate buildings gave them more area and better costs. Chief Rudge said that they looked at 4 lots and it came down to making it work on the lot for both departments; they think the flow will work well. Chairman King asked about the lot and if it is cleaned up by DEP? We have a thorough report from 2003 and it is cleaned up; you could put a daycare on this site. Chairman King asked what the design cost is? \$1.1 million and the property is assessed at \$367,667 ish. The Selectmen need to vote to have this question on this ballot and then it will go on the warrant for town meeting and there is an article for that.

Selectman Borowski said that we absolutely need a new police station and fire station; he is concerned about the article and would like to see the approximate amount on the ballot question. Mr. Spain explained that you cannot by law put an amount on a ballot question; you can put it in the warrant question. Selectman Borowski asked to ask the attorney general's office again. Selectman Borowski asked why they are just doing the land and design purchase. Chief Rudge said that they would like a definitive piece of property so they can educate the public about what they need and have actual plans to show everyone. He said that the scaffolding is not decorative on the fire station-that is to protect people going into the station from falling mortar and bricks; it is time to get this done. We will not take the site until we are ready to go. Selectman Borowski asked why they are doing this when the town may not vote for the buildings; then we'll have land and design but no buildings. Selectman Borowski said that you'll have to come out and support this next year too if you support it this year. Selectman Cristo said that she is impressed with this plan and likes having the ambulance there as well. Selectman Ashmankas asked if there would be a hard number at town meeting and he would also like to put the amount of

money on the ballot as well. Mr. Spain said that when all is said and done this project will be around \$20 million. They will try to do a “friendly taking” and pay them a fair price and will try to get a full appraisal of the land before town meeting. Selectman Krumsiek asked if they could flip the buildings so that the police station is not near Dar Bah; Chief Rudge said that the street access for the fire Department was their main concern.

Selectman Ashmankas asked why they are just hearing about this. Chief Rudge said that they have been meeting since 2013 under Brian Turbitt; they would like to get a design done so that they can tell the taxpayers an amount. Ms. Davolio said that we will be putting all of the information on our website and they will be having public information meetings.

Brian Humes from Jucunski said that bids can only be held for 30 days so you can only have estimates. The design period will take approximately 8 months which will be 4 months before town meeting. Chairman King asked if there were any public information sessions planned yet. They were waiting on the Selectmen’s blessing to schedule them; they will be scheduled tomorrow.

Mike O’Connor, Chairman of the Finance Committee asked if the ballot question could ask to exclude the building and design costs from proposition 2 ½ and then only have to have a town meeting vote to approve the land and design costs this year and then town meeting approval next year for the buildings. Mr. Spain explained that they cannot do that given the time restraints.

Motion made by Selectman Borowski, seconded by Selectman Christo to put on the 2015 ballot after consultation with legal counsel: Shall the Town of Millbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to pay for design and land acquisition costs for a new public safety complex including the payment of all other costs incidental and related thereto?

Approved by roll call vote.

Chief Howell thanked the board saying that this is very much needed.

Rob McNeil- DPW Update: hopefully we are done with snow and ice; \$160,000 is our annual snow and ice budget; at the end of last week we stand at \$320,000 which accounts for the worst winter on record. We have put in a request through FEMA of about \$110,000 which is combined with emergency services. We have 2 teams of pothole crews over the past two weeks; thanks for reporting them, they are continually filling them. The state has come up with \$64,889 of a winter rapid recovery program; this needs to be spent within limits by June 30th with the input from the RAC. Mr. McNeil would suggest the overlay of Alpine Street with that money. The RAC has not yet set its spring meeting. There is progress on the S.Main Street Bridge; the pole has been installed and we are waiting for service connection from Ngrid. We still have to install barriers and pavement markers as well as additional signage. This will be a one lane bridge with a zipper light. Selectman Cristo asked for a timeframe. Mr. McNeil said that he has to count on other agencies to get this done and he cannot give an estimate. DOT has committed field time to get this up and running in a safe manner. We will put up a do not stop on tracks

sign. Jeff Dore asked if the signals will be synchronized to traffic preemption to the railroad crossing. The queue length is 200 feet and they will not be on the railroad crossing.

Selectman Borowski asked why he is not spending the state money on pothole fillings instead of an overlay on Alpine. Mr. McNeil said that it is a more efficient use of money putting it into a long term fix instead of short term pothole filling. Last year's money went to the overlay on Riverlin Street- there is not one pothole on that stretch of land. Selectman Borowski asked why there is no engineering cost for the S. Main Street Bridge in the warrant. Mr. Spain said that this is a draft warrant and it will be on there. The fuel station will be on the warrant; this is a necessary move of the fuel tanks and it will pay for itself in 10 years; we need to provide this essential service to the town. Public works, police and fire need that reliability and availability for this service when we are dealing with blizzards or power outages. We need to keep the apparatus operational. Alternatives looked at were Rt. 146 Xtra Mart which is the only 24/7 station in town but would be a burden for travel back and forth; paying pump prices or a slight discount pales in comparison to the price we pay for our fuel, right now the savings are in the ballpark of \$36,000. We have to use 89 octane, which is the middle grade- we buy it in bulk, 8,000 gallons at a time with a deep discount. The system is monitored by the DPW mechanic; we realized how important this fuel station is when it was not being manned when we were between mechanics. The Xtra Mart does not have backup generate power, zero service during the ice storm, contracts are paying significantly more for pump prices; we use about 40,000 gallons of fuel annually. Opening the door to offsite fuel invites abuse of the fuel; the computer keeps control of who uses the gas and each vehicle is coded to read mileage and how much gas when you put your code in the pump. The new fuel management pumps will read the vehicle's computer chip and will also help with preventive maintenance so the mechanic can order what is needed before it happens. The last time we replaced the tank was over 20 years ago; the pump has been there for longer than that. Chairman King asked Rob to look into the land where the new pumps will go to see if it was contaminated. Mr. McNeil said a test pit was dug and had it tested; it is not contaminated. Selectman Cristo asked where the new tanks will be going. They will be going on the driveway area between the Parks building and the DPW Garage on the flat land; where it is now would not pass inspection as it is sloped. She then asked if we are under a mandate to get this done. No, and he does not want to be there; the Asa Waters Mansion is paying hundreds of thousands of dollars for a small spill.

Selectman Ashmankas said that he is not convinced that this is necessary. He does not believe that a 10 year return of the money is good enough. Mr. McNeil said to find a municipal project that has any payback is rare. It is his job to provide services to the citizens and if he or the Chiefs cannot get their vehicles fueled then they cannot provide those services. When the power is out we cannot get fuel, there is not a backup generator. Selectman Ashmankas said that the money would be better used for other projects. Selectman Borowski said that this was clearly voted down at town meeting last year and asked why we need this now and what the alternatives are. After a heated discussion, he would like to make it a policy that any capital expenditures over \$100,000 to have full business presentations. Selectman Ashmankas said that he has other

projects that were cut out of the budget that he would rather see done. Mr. Spain explained that he has spoken to the department heads regarding the cut capital items and they have been ok with the cuts; some of the items have already been done or will be done.

Mr. McNeil said that Thursday they will start DPW union contract negotiations. Earth Day cleanup will be April 25 and April 26; rain date of May 2 & 3. Have many people stepping up and working with him. Please reach out to DPW, Conservation or Selectman Cristo to help out. Selectman Cristo said that Wheelabrator has said that they will donate trash bags as well; we could distribute them from the town hall. DPW had training today on hazardous material handling. It is necessary to remind our workers of being safe on the job. There is a reference book at multiple locations of how to handle any hazardous waste.

The cemetery commission is looking into a rate structure for winter burials due to finding, marking out and digging the grave. They are looking into the reclaiming of section 1 on the road. The transfer station numbers continue to do well. We are scheduled to do a trash sort on April 6th intended to show people what they can recycle that they are still throwing into their trash. We would like to do that on an annual basis. DEP has identified the culvert in front of the transfer station as a priority of being done. They are going back out to bid for that. We were notified by DCR that the town has shared ownership of the dam at round pond.

Chairman King said that they have received a petition from the resident of Wedgewood who want the circle to stay and asked what the benefit of the circle is being taken off of Wedgewood Drive. The public information session was well attended and he did a full presentation with the engineering plans, drainage improvements and order of conditions from the Conservation Commission. This plan was approved by the Fire Chief for access and turn around for trucks; less pavements means less future costs and less storm water. Selectman Krumsiek asked for a copy of the plans. Selectman Cristo said that the people have lived in the cul de sac for 40 or more years and put drainage into their lots to keep the water from coming in. She would like Mr. McNeil to meet with them again. Mr. McNeil said that all of these issues have been addressed with the residents and the problems will be mitigated. He is happy to meet with them again to address their concerns. She asked about delivery trucks and the mail trucks; Mr. McNeil said that they will turn the same way the ladder truck will. Selectman Krumsiek asked if the Auburn side of McCracken Road will ever be fixed. Mr. McNeil explained that it is a pothole nightmare, there is no formal proposal to do major correction up there but the planning board is entertaining a new development up there and he is continually comment for drainage fixes. We will continue to fill potholes.

Citizen Bob Watkins spoke regarding Wedgewood Drive. He thinks the snow and ice melting will leach into his well. He wants the circle to stay; he is not for this y-plan.

Town Manager Report

Mr. Spain has changed Judith Bater's title to Head Clerk of the Board of Health. The Board of Health is now interviewing for the morning Clerk position.

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

Motion carried.

There are no updated numbers for the budget; he is not expecting it to change very much.

The contract was signed for the SCBA for the fire department; it will be a couple of months for delivery. The town HVAC is going back out to bid to update the numbers and add in the new space for the police department.

Mr. Spain just got re-certified by the Inspector General's office as a MCPPO. This is needed for the procurement process.

Mr. Spain went over the draft warrant articles * see attached. The final warrant will be voted on April 7th. Discussion regarding Article 5-the capital projects; Selectman Ashmankas didn't want to fund the fuel tanks, he had 5 other projects that add up to the same amount that he believes are more important. Mr. Spain explained that he works with the department heads regarding the capital projects and they decide together which projects get done. The five projects that Selectman Ashmankas put together have not been vetted with the Selectmen. Discussion continued regarding capital items continued and Selectman Ashmankas asked for a motion to have the board support different projects for the capital items on the warrant instead of the fuel station. Selectman Borowski seconded for discussion and said we can make a case either for or against on town meeting floor and that from a charter perspective we should be careful; but we could also ask the school committee for their thoughts on where the money should be used. Selectman Ashmankas rescinded his motion. Mr. Spain went through and explained the rest of the articles. Selectman Borowski asked to put funding on for the South Main Street Bridge; Mr. Spain explained that even if we design the bridge this year; the repairs will not come for 3-5 years; he does not want to give people false hope. Chairman King said that we are trying to get this on the TIP program with DOT for them to fix it instead of the town. Selectman Borowski asked about a rooster by-law that he wanted to ban roosters in town.

Mr. McNeil explained that if the bridge is open, getting it fixed by the state will take longer. Selectman Cristo said that ultimately the budget is up to the towns' people.

New/Old

Chairman King asked to have the OPED discussion on for the April 14th meeting, or May; Selectman Borowski said that June is fine for that discussion.

Chairman King asked for copies of the contracts and goals to be handed out at next meeting; they will be reviewing the Manager May 12th and the Chief May 26th.

Previous Minutes

Motion by Selectman Borowski to accept the minutes of the March 10, 2015 meeting, seconded by Selectman Cristo.

Motion carried unanimously.

Chairman King Read Dates to Remember:

Saturday March 28th at 7 PM 2nd Annual Butler Farm Dog Park Poker Tournament
at Singletary Rod & Gun Club

Saturday March 28th from 11 AM to 3 PM Community Harvest Project Team Leader
Open House in Grafton

Sunday March 29th at 6 PM "The Road to Alleluia!" Palm Sunday Concert at First
Congregational Church of Sutton

Friday April 10th at 12 to 5 PM Womens Club Pancreatic Cancer Fundraiser on the common

Saturday April 11th 9 AM to 4 PM Millbury Days at Broad Meadow Brook
Wildlife Sanctuary-free admission!

On a Good Note

Good Luck to the Millbury High Winter Color Guard in the finals in Salem this weekend.
Thanks to everyone in town for supporting local fundraisers.

Mr. Spain congratulated Selectman Borowski and Tom Reilly for winning the dollars for
scholars' fundraiser.

Congratulations to Chief Howell for being accepted to Harvard.

Mail:

Letter from Laurie Connors regarding donations totaling \$715.00 for the Bark Park.

Motion to accept the donations made by Selectman Borowski, seconded by Selectman Krumsiek
to accept the donations.

Motion carried unanimously.

Executive Session

Motion made by Selectman Cristo, seconded by Selectman Krumsiek to move into Executive Session at 11:00 p.m. under Chapter 39, Section 23B, Paragraphs 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 and Paragraph 6 to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body regarding McCracken Road and Ramshorn Dam.

Selectman Cristo	- Yes
Selectman Krumsiek	- Yes
Selectman Ashmankas	-Yes
Selectman Borowski	-Yes
Chairman King	-Yes

Chairman King declared that an open meeting may have a detrimental effect on the negotiating position of the public body.

Chairman King announced the Board would return only to adjourn.

Motion made by Selectman Krumsiek to adjourn at 11:30 p.m., seconded by Selectman Cristo. Approved by roll call vote.

Respectfully submitted,
Tish Hayes, Secretary

Francis B. King _____

Sandy J. Cristo _____

Mary Krumsiek _____

Brian Ashmankas _____

William Borowski _____