

BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 21, 2013
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054

CALL TO ORDER: Sel. Vecchi called the meeting to order at 7:35 p.m. The following persons were present: Chairman Charles Vecchi, Vice Chairman Andrea Wagner, Clerk Christopher Smith, Town Administrator Charles Aspinwall, Operations Director Jennifer Cederberg.

PLAYGROUND COMMITTEE: Denise Gibbons appeared before the Board to request payment of several invoices/reimbursements for the Playground Committee. She noted which funds the reimbursements would be paid out of.

Motion by Sel. Wagner, seconded by Sel. Smith, that we do approve the payment of invoices for the Playground Committee, the first invoice to JPAC Enterprises, LLC in the amount of \$1200 for 60 yards of loam to replace the earlier approved invoice to be paid from CPA funds, and the second invoice to reimburse Denise Gibbons in the amount of 213.46 for sprinklers and various other appurtenances. The motion passed unanimously.

STORMWATER MGT HEARING: The civil engineer from Hancock Associates started by describing the work that took place at 1372 Main Street. Mr. Aspinwall noted where the stockpile was located on a map provided by Hancock Associates. The engineer noted that this is just a temporary condition and the processor currently located on site will eventually be removed. Sel. Vecchi asked for clarification of the processing. Mr. Valchius explained what will be completed.

Town Engineer Barbara Thissell noted that she is looking for a commitment of the time schedule. She noted that the pile of material will be approximately 40 feet high. She stated that the property owner stated he is going to sell the material but she questioned what type of timeframe this would happen within. Mr. Valchius stated that the pile would not be 40 ft. high. He further informed the Board that it will take 7-10 days to process the material and he would aim to have a 10-15 ft. pile. He asked the Board for a reasonable timeframe for removal. He also said that the stockpiled material would not be dusty. He also asked the Board if he could keep the material in place for a year though he would like to get it off the property as soon as possible. Mr. Valchius stated that it will most likely remain onsite through the winter as the material is appropriate for Spring projects.

Ms. Thissell suggested that the approval be written with some conditions including removal before a certain period of time or be required to come back for an extension. She stated that the plan does not tell the same story as the verbal presentation. Mr. Valchius stated that he would anticipate that the processor would not remain onsite for more than two weeks as it is very expensive to rent. He agreed that the stockpile could be in a flat shape and remain no higher than 20 feet. Ms. Thissell suggested that the erosion control encompass the entire disturbed area as opposed to just the stockpiled material.

Mr. Aspinwall suggested 5 conditions be added to the permit.

Motion by Sel. Wagner, seconded by Sel. Smith, to close the hearing regarding the Land Disturbance Permit for Robert Valchuis of 1372 Main Street. The motion passed unanimously.

The hearing for the property at the 1465 Main Street property then began. The engineer explained the improvements to the site. She noted that most of the work on this project has already been concluded

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and that this portion of the project has already been approved by the Conservation Commission. Ms. Thissell noted that there are a few bullet items as noted on page two of her recommendations. She noted concern with illicit discharge and the lack of a statement in the proposal stating that no illicit discharges exist on the site and by including pollution prevention plan measures to prevent illicit discharges to the stormwater management system. Mr. Valchius stated he has no concerns with adding in this statement.

Ms. Thissell addressed the issue of the storage of snow in the environmental resources and the bioretention swale is prohibited. The civil engineer submitted an updated set of plans to Mr. Aspinwall.

Motion by Sel. Wagner, seconded by Sel. Smith, to close the stormwater management and land disturbance hearing regarding 1465 Main Street. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that after hearing the BOS made the following findings and issued a decision as follows: on August 20, 2013, Robert Valchius submitted applications for 3 permits as described below regarding the proposed redevelopment project and site improvements located on Main Street. The Stormwater Management Permit pursuant to the Town of Millis Stormwater Management Regulations, Article I, regarding the proposed water management systems shown on the site improvement plan for 1465 Main Street, a Land Disturbance Permit pursuant to the Town of Millis Stormwater Regulations Article I, regarding the proposed site improvements as shown on the site improvement plan for 1465 Main Street, and a Land Disturbance Permit pursuant to the Town of Millis Stormwater Management Regulations Article I, regarding the proposed site improvements shown on the site improvement plan for 1372 Main Street. The Board finds that the applications were submitted in accordance with the requirements of Article I, Section 6 and Article 2. Further, that evidence of notice to abutters and advertisement in a local paper of general circulation was provided by the applicant, that an initial public hearing was held on September 23, 2013 at 7:30 in Room 229 of the Veterans Memorial Building. That hearing was continued to October 21, 2013 after submission of additional information and revised documents. At the final hearing, the Board voted unanimously to close both public hearings. The applications have been submitted relative to the proposed site improvements at 1372 and 1465 Main Street. The application proposes upgrades to the stormwater management system onsite, including grading modifications, and installation of drainage and treatment retention structures at 1465 Main Street and at 1372 Main Street, the importing, processing, and subsequent transportation away of fill material from 1465 Main Street. After review by an outside consultant retained by the Board, the Board determined the following: that this is a redevelopment project as there is no increase in the amount of impervious surface area proposed on either site, that the applicant has provided a Stormwater Management Plan meeting the requirements of Section 7.1 of article I and more specifically that the stormwater treatment system is consistent with the DEP stormwater management policy and meets the requirements of Section 7.1b of article I, that the applicant has provided an operations and maintenance plan meeting the requirements of Section 8, article I and that the applicant has provided and erosion and sediment control plan meeting the requirements of Section 7.2 of article I, that the application with conditions imposed generally complies with the

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requirements of article I and article II, and the decision of the Board would be that pursuant to Section 6.f.2 of article I, and subject to the conditions which will be enumerated below, the Board will grant a Stormwater Management Permit to Robert Valchius for the property located at 1465 Main Street pursuant to Section 6.f.2 of article I and subject to the conditions that will be enumerated below, the Board will grant a Land Disturbance Permit to Robert Valchius at 1465 Main Street and pursuant to Article 6.f.2 of article I and subject to the conditions enumerated below, the Board will grant a Land Disturbance Permit to Robert Valchius for 1372 Main Street. All the permits and approvals granted are subject to the following conditions: the applicant shall construct the project in accordance with the final revised plans they submitted on October 21, 2013 for each property, that all construction activities shall proceed in accordance with the provisions of the operations and maintenance manual provided for the work associated with the proposed improvements at 1465 Main Street. With regard to the Stormwater Management Permit and the Land Disturbance Permit, the applicant shall also be subject to the conditions of that the storage of snow in the environmental resources in the bioretention swale shall be prohibited, that the property owner shall be responsible for preconstruction erosion control measures and that the property owner shall provide and elicit discharge and compliance statement. And for the work associated with the Land Disturbance Permit at 1372 Main Street, the additional conditions of that materials shall be processed continually during normal working hours, that the processor shall be removed after the processing has been completed, that the finished pile shall be no more than 15 feet, that the material shall be removed off the site within one year and that there shall be erosion controls around the entire work area and that no additional material shall be brought in to the property, also that all bills incurred by the Town to obtain the permit shall be paid by the applicant prior to the permit being issued. The motion passed unanimously.

TOWN FIELDS PETITION ARTICLE: Mr. David Baker began with a Powerpoint presentation highlighting his petition article on Millis track and fields. He began by stating that the Town Hall, Town fields and schools function much like a campus. He began by reviewing the fields presently in Town. He then recapped a 2009 Boston Globe article highlighting that the small size of the Town makes it hard to keep the facilities top shelf. He stated that our fields are overused and do not get a chance to rest and emphasized this point by presenting a picture of the Clyde Brown Field, used for Flag Football, and the areas that had to be cordoned off and reseeded.

Mr. Baker went on to review data pertaining to the increase in school fall athletic participation. He went on to describe the loss of fall field space since 2003. He noted that the inadequate field space in Millis creates conflicts in scheduling between the various fields. He then went on to review the various land uses and a map of current existing conditions in the campus area. He listed the land use demands for the town land and the school land.

Mr. Baker stated that Millis currently has inadequate field space to meet the current demand and the existing fields are in poor condition due to the heavy use and no ability to rest or rotate fields. He stated that artificial turf fields would allow for intensive scheduling and does not need to be "rested" like a grass field. He then went on to highlight the findings of the 2005 Larson Associates High School Fields

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Study. He noted the problems with the Larson concept plan including reducing the existing number of parking spots, eliminating the future reserved building area originally set aside for future classroom expansion, and the impact on a large number of trees which is a point of concern in the community.

Mr. Baker went on to review the BOS charge to the Town Fields Committee. He reviewed the CDM Study commissioned by the Fields Committee in February of 2013. He also then went on to review the costs associated with the new fields constructed in Bellingham.

Mr. Baker reviewed the goals of his citizen petition effort which include encouraging the Town of Millis to design and construct a new track and artificial turf facility in the near future. He illustrated the concept plan of the citizen's petition which would locate the track and field in the town park and relocating the ball fields to school grounds. He noted that the petition is limited to school and town park properties only. He is presenting it as a possible master plan, a focus for any future engineering efforts. Mr. Baker stated that even if the concept plan were adopted as the preferred option, Millis will still need to identify other areas in town to create additional playing fields.

Mr. Baker went on to review a page in the handout which illustrates a track and field option at the High School. He also presented a slide of the high school in 1968. He then went on to review the next steps and qualifiers including beginning with a full survey, wetland delineation to move the design forward. Mr. Baker stated that all of the work shown in the concept may not be achievable for the proposed \$3 million budget which is a cost estimate for a complete track and field project.

Mr. Baker stated that the Finance Committee has recommended dismissal of his article. He gave examples of what type of revenue can be used to fund this project. Mr. Baker went on to review his conclusions which include that Millis needs more playing fields to meet the current demands throughout the Town and that the condition of the existing fields in town are sub-standard (unsafe) due to over use.

Sel. Vecchi reminded the audience that the BOS do not have to make a recommendation to Town Meeting, unlike the Finance Committee. He asked Mr. Aspinwall to address the legality of the wording of the article. Mr. Aspinwall stated that the decision on modifying the language of the article is at the discretion of the Town Moderator. He also informed the Board that the Town Park is listed as being held in Park status and that if it were to be taken out of this status, typically the state would require you to duplicate this area, twice the size, in another part of town.

Sel. Wagner questioned whether or not the funds requested would cover the entire proposal. Mr. Baker stated that it would not. Sel. Smith stated that he would have supported funding for a master plan but this proposal jumps over that critical step. Sel. Vecchi stated that Mr. Baker's proposal does not address all of the problems that the Town has pertaining to athletic fields. He agreed that a presentation to the Conservation Commission would be a good idea.

ASST TOWN CLERK: Mr. Aspinwall informed the Board that the Town Clerk stepped forward and requested a reclassification for the position of the Assistant Town Clerk. He stated that he recommends that the position move up one grade to a grade 8 but that this reclassification would need to be negotiated with the SEIU union. He informed the Board that the cost for this reclassification would be

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\$2,312/year. He further stated that the union would have to be consulted due to the creation of a new grade: not the reclassification of the position. They need to bargain the creation of the grade. The Board discussed how this motion would be worded should they decide to agree to the reclassification of the position.

Mr. Aspinwall informed the Board that he reviewed the need for a reclassification with a Human Resources consultant who concurred with his observations. He noted that the position is not regularly supervised and is the "face of the office". He recommended moving forward with the reclassification. Sel. Wagner questioned what portion of the warrant article would be subject to negotiation. Sel. Smith asked if any consideration was given to moving this position into an exempt status. Mr. Aspinwall stated that this was discussed but that it was agreed that this was not an exempt position.

Town Clerk Lisa Hardin spoke against the reclassification to a grade that does not currently exist. She stated that she does not feel that a Grade 8 would be approved by the union. She requested that the position be placed at a lower step in the Grade 9 though Mr. Aspinwall does not agree because the Public Health Nurse is in the Grade 9 slot. Sel. Wagner stated that she does not feel that this is something the BOS can do because it is bypassing part of the process. Sel. Smith stated that the Board can reclassify the position to a Grade 9 but not choose the step. Mr. Aspinwall clarified what is written in the language of the SEIU contract and noted concern with placing the Assistant Town Clerk in the same grade as the Public Health Nurse as the duties are not equivalent.

Asst. Town Clerk Pat Sjogren stated that this process began in March and at one point she was told that she needed to advocate for herself. She recalled the process of going around and around between the Town Administrator, Finance Committee and the SEIU. She stated that she does not understand the process. Sel. Vecchi stated that it is more difficult to move reclassifications now that there is a union in place. Sel. Wagner stated that the Board cannot create a new grade. Mr. Aspinwall stated that he reviewed the process with Town Counsel. Ms. Hardin stated that she has been trying to get this position reviewed for 10 years and that now that it has been looked upon favorably, there is yet another hoop to jump through and that the union has already stated to them that they are not in favor of making any reclassifications.

Motion by Sel. Wagner, seconded by Sel. Smith, that we do reclassify the Assistant Town Clerk position from a Department Assistant III to a new Grade 8 position effective 7/1/13 and subject to negotiation with the SEIU union as to the salary component of a Grade 8. The motion passed unanimously.

TAX TITLE LIST: Mr. Aspinwall reviewed the prior conversation that took place with Treasurer/Collector Jeff Cannon who has since retired. He stated that it would benefit the Town to have a policy in place to guide the Town in moving forward with the tax foreclosure process. He noted that the proposed policy has been reviewed by Town Counsel and Financial staff. He reviewed the proposed guidelines. He reviewed the categories of the parcels to be foreclosed on.

Sel. Smith asked if there are properties in Town that owe taxes greater than \$15,000. Mr. Aspinwall stated that we do and that this amount represents about three years of back taxes on average. He

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noted that this policy does not apply to properties who are under a payment plan. Sel. Wagner pointed out that these are guidelines and not mandates, clarifying that there are exceptions to the guidelines. Mr. Aspinwall clarified that by law, the Treasurer/Collector has the right to independently move forward to foreclose on a property and that it would not come back to the Board before the property would be put up for sale. Sel. Wagner asked if the Board could receive quarterly updates on the properties in jeopardy. Sel. Smith stated that he would like to know when properties are going to be foreclosed on. Sel. Wagner stated that this would be part of the quarterly update.

Motion by Sel. Wagner, seconded by Sel. Smith, to adopt the Tax Foreclosure Guidelines as presented with the following paragraph added to the end: that the Treasurer/Collector shall present the properties to the Board of Selectmen on a quarterly basis. The motion passed unanimously.

MEETING MINUTES/WEBSITE: Sel. Smith reviewed the opinion from Town Counsel on posting sensitive information in meeting minutes which should be placed on the Town website. He asked that the Board direct Mr. Aspinwall to direct Town employees that support Boards and Committees that all agendas get posted to the website. The content of the agenda should coincide with the guidelines of the Open Meeting Law and that draft meeting minutes shall be placed onto the website no more than 2 business weeks following the meeting followed by official approved minutes when approved by the Board or Committee.

Motion by Sel. Wagner, seconded by Sel. Smith, to require the support staff to Town Committees to post meeting agenda on the website 48 hours prior to the meeting in compliance with the Open Meeting Law and that draft minutes be posted on the website two business weeks following the meeting. The motion passed unanimously.

WARRANT ARTICLE REVIEW: Mr. Aspinwall noted that the Board does not typically vote on zoning-related articles which are Articles 1 and 2. He then went on to review the remainder of the warrant articles.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend Article 3. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend Article 4 which is to rescind a portion of the Chapter 90 funds. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do vote to recommend Article 5 which is to appropriate money for drainage improvements on Rosenfeld Road. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend for approval Article 6 to appropriate a sum of money for a DPW truck and plow. The motion passed unanimously.

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Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do vote to recommend articles 7 and 8 with regard to DPW SCADA computers and the water station heaters. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS defer a recommendation as to Article 9 as we don't have the information from the Engineer and the BOS do recommend Articles 10 to replace carpeting and 11 which is a sum of money for the design phase of the building masonry. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend dismissal of Article 12. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend article 13 which is to transfer a sum of money between the Town of Millis and AFSCME Council 93 Local effective 7/1/13. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend the dismissal of articles 14 and 15. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend at Town Meeting the approval of Article 16 which is the School Traffic Supervisors contract. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do recommend the approval of Article 17 in the total amount of 83,410 of which 53,910 is to meet the goal set at the May Town Meeting and 30,500 is an allowance for future union settlement. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS dismissal of article 18 which is a transfer of funds into the OPEB fund due to lack of funding. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend Article 19 which is a sum of money for the Veterans Tax workoff program in the amount of 14,400. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS do vote to recommend article 20. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS vote to dismiss article 21. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 22 in the amount of 3,950 for tree cutting on the former Dewey property. The motion passed unanimously.

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Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend to Town Meeting article 23 in the amount of 12,500 for the Ellice School improvement project. The motion passed with Sel. Smith voting in the negative.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS support article 25 which is unpaid bills in the amount of 11,746.13. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 26. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 27 in the amount of 500 adding the drivers and the receptionist in the COA to the personnel plan. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 28 in the amount of 2,312. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 29 in the amount of 4,500 for a community notification system/reverse 911. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 31 in the amount of 8,200. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend dismissal of article 32. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, that the BOS recommend article 33 in the amount of 33,000 for a fields feasibility study. The motion passed unanimously.

CROSSING GUARDS:

Motion by Sel. Wagner, seconded by Sel. Smith, to approve the Town Administrator's appointment of Lindsay Schulz and Claire Gorman of Millis as Crossing Guards for the Town of Millis subject to a CORI and a physical. The motion passed unanimously.

COMMITMENT:

Motion by Sel. Wagner, seconded by Sel. Smith, to commit to the Collector which represents Final Water Bills for September of 2013. The motion passed unanimously.

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VMB GYM PAINTING:

Motion by Sel. Wagner, seconded by Sel. Smith, to award the contract for the painting of the VMB gym to MJS Construction of Lynnfield, MA in the amounts of 10,990 for a complete first coat, 1,500 for the ceiling and and 2,500 for the walls second coat. The motion passed unanimously.

LAWN SIGNS:

Motion by Sel. Wagner, seconded by Sel. Smith, to allow the Recreation Department to place 15 lawn signs on Town Property advertising the Touch a Truck event, these lawn signs will be removed by 10/27. The motion passed unanimously.

LIBRARY ASSISTANT:

Motion by Sel. Wagner, seconded by Sel. Smith, to approve the Town Administrator's appointment of Dianne Mascis as a part-time circulation assistant subject to a CORI and a physical. The motion passed unanimously.

JOINT SALT BID:

Motion by Sel. Wagner, seconded by Sel. Smith, to award the contract for the joint salt bid for Millis' portion to Eastern Minerals in the amount of 47.20 delivered for solar salt and 47.20 for cc salt. The motion passed unanimously.

APPROVAL OF MEETING MINUTES:

Motion by Sel. Wagner, seconded by Sel. Smith, to approve the regular session meeting minutes from 8/12/13 and 10/7/13 and to approve the executive session meeting minutes from 8/12/13 and 10/7/13. The motion passed unanimously.

ADJOURN: At 11:16 p.m.,

Motion by Sel. Wagner, seconded by Sel. Smith, to adjourn. The motion passed unanimously.

Respectfully Submitted,

Jennifer G. Cederberg, Operations Director