

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
Monday, July 24, 2017
Veterans Memorial Building Room 229
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Sel. McCaffrey called the meeting to order at 6:00 pm. The following persons were present: Sel. James McCaffrey, Sel. Catherine MacInnes, Sel. Loring Barnes, Town Administrator Michael Guzinski, and Operations Support Manager Karen Bouret.

EXECUTIVE SESSION:

Sel. McCaffrey made a motion to enter into executive session for the following reasons:

To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position, and the chair does so declare.

(Litigation – Fitzgerald v. Town, Norfolk Superior Court, C. A. No. 17-0768)

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.

(376 Orchard Street)

To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the government's bargaining position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel; and the chair does so declare.

(SEIU)

To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position, and the chair does so declare.

(Litigation – Roche's Building Company v. Planning Board)

The motion was seconded by Sel. MacInnes.

Sel. McCaffrey – yes, Sel. MacInnes – yes, Sel. Barnes – yes

Sel. McCaffrey made a motion to return to regular session at 7:00pm. The motion was seconded by Sel. MacInnes.

Sel. McCaffrey – yes, Sel. MacInnes – yes, Sel. Barnes – yes

SCHEDULED BUSINESS

17-189 Christopher Fitzgerald – Comment on 6/5/17 Annual Town Meeting

Mr. Fitzgerald addressed to Board and expressed concerns about the location of the proposed new Clyde F. Brown and said he made a motion at Town Meeting. He said he was then spoken to by the Town Moderator in a way he felt was inappropriate and said he feels the Moderator misspoke quoting Town Meeting Time. Mr. Fitzgerald is circulating a citizen's petition for a new location for the school to be entered at the next town meeting.

17-190 Appointment of Library Assistant

Cancelled

17-200 Approval of Minuteman Library Network Agreement

Alex Lent, Library Director, presented the Library Network Agreement.

Sel. McCaffrey made a motion that the Board approves the annual Library Network Agreement fee with the Minuteman Library Network for \$27,589.16. The motion was seconded by Sel. Barnes and passed unanimously.

17-191 Melanson Heath – FY16 End of Year School Presentation

Scott McIntyre, of Melanson Heath, reviewed the School End-of-Year Financial Report. Kathy LaPlant spoke to explain finding number two on the end of year financial report and a discussion ensued. The Board asked that the agreement be updated and shared with the Board.

Mr. McIntyre reviewed the report on Student Activity Funds, again with findings recommending that policies and procedures be amended to adhere to DESE's guidelines. Mr. McIntyre reviewed all eight recommendations for improvements noted in the report. The Board asked questions and Sel. Barnes expressed concern over using the report for change and accountability. Ms. LaPlant addressed some of Sel. Barnes concerned and said the Finance Department will keep the Board posted on changes as they are made.

Mr. McIntyre said all findings are consistent throughout the Commonwealth. Sel. McCaffrey reminded everyone that audit reports only show problems not all of the things done correctly throughout the year.

17-192 Community Energy Aggregation Hearing

Sel. Barnes made a motion to open the Community Energy Aggregation Hearing at 8:00pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

Bob Weiss, Energy Manager, explained what the plan is and how people can opt in or out of the plan which will provide Town residents and businesses with stable electric rates with a modest reduction in costs. Patrick Roche of the Metropolitan Planning Council spoke as the consultant who will lead the Town in a competitive procurement process and educate the public. Mr. Roche said there will still be only one bill, this will only affect the supply portion. John Barry, member of the Energy Committee, said the committee fully supports the plan. Mr. Weiss explained that residents will be notified via a letter and that this is an opt-out program not an-opt in program. Residents who don't want to be part of the program will check off a box and send it back in a prepaid envelope.

Sel. MacInnes made a motion to close the Community Energy Aggregation Hearing at 8:10 pm. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. McCaffrey made a motion to approve the Energy Aggregation Plan as presented by the Energy Manager and Energy Committee. Seconded by Sel. Barnes, and passed unanimously.

17-194 Approval of Engagement Letter Auditing Services

Sel. Barnes asked for the management portion of the letter to have more narrative and background for the upcoming year.

Sel. McCaffrey made a motion to approve the engagement letter for Melanson Heath for FY17 in the amount not to exceed \$35,500.00. The motion was seconded by Sel. Barnes and passed unanimously.

17-195 Grant Approval Authority to Town Administrator and the ESBC for Contract Amendments

Mr. Guzinski reviewed a memo regarding contracting authority to allow the Town Administrator and ESBC chair to approve change orders up to \$10,000.00 and to approve change orders in the amount of \$10,001 to \$50,000. Sel. MacInnes and ESBC Chair Wayne Klocko both spoke in favor of approval of this contract amendment authority.

ESBC Chair Klocko called to order a meeting of the ESBC at 8:20pm since a majority of voting members were in attendance at the meeting.

Sel. Barnes made a motion to vote to authorize the Town Administrator, in concurrence with the chair or vice chair of the ESBC, to approve change orders in the amount of up to \$10,000.00, and to authorize the Town Administrator to approve change orders in the amount of \$10,001.00 to \$50,000.00 subject to a vote of approval of the ESBC. The motion was seconded by Sel. Barnes and passed unanimously.

17-196 Approval of CM at Risk Contract for Clyde F. Brown Project

Sel. McCaffrey noted that Town Counsel is present in case questions arise and need to be addressed.

Mr. Klocko said Agostini Bacon has been chosen by the ESBC as the Construction Manager at Risk for the Clyde F. Brown project. Mr. Klocko reviewed the process of interviewing and choosing the firm. Mr. Klocko noted that Agostini Bacon did the work for the new Police Station and Fire Station renovation and the committee is pleased with their performance on that project and they are about \$1,000,000.00 less than the next firm that was considered.

Steve Agostini, President, spoke on behalf of his firms and said the firm has built over 130 schools. Sel. MacInnes said she has been in meetings with Mr. Agostini and voiced her approval. Sel. Barnes asked that there be transparency throughout the project.

Jeff D'Amico, Owner's Project Manager from Compass, explained that his firm is the hub of the project and everything flows through them and they report directly to the Town and MSBA. Mr. D'Amico explained that the entirety of the value of Agostini's contract for approval is \$3,633,852.00 but the lump sum pre-construction fee for approval and notice to proceed for tonight is \$92,000.00. The larger sum will be approved in the later fall. Mr. D'Amico briefly reviewed the Design Development Phase Schedule. (See Schedule 7/20/17) Mr. Klocko noted that Agostini is the firm that could move forward with the schedule the most quickly after interviewing firms. Resident Chris Fitzgerald asked questions about the potential approval of the contract and risks. Mark Reich, Town Counsel, said the contracts are carefully crafted and the Town is adequately protected. Mr. Fitzgerald asked if an environmental review of the project was done and Mr. D'Amico said yes and all Town Departments will receive the report as well as the State. A discussion ensued. Mr. Reich refuted Mr. Fitzgerald's comments saying that the \$92,000.00 up for approval this evening is in line and comment otherwise is misleading.

Sel. Barnes made a motion to award the Construction Manager at Risk contract with Agostini Bacon in the amount of \$3,633,852.00 with a notice to proceed in an amount not to exceed \$92,000.00. The motion was seconded by Sel. MacInnes and passed unanimously.

17-197 Appointment of ESBC Ex-Officios

Sel. McCaffrey reviewed who the ex-officio members of are comprised of. Sel. McCaffrey asked that the Board consider the MSBA's required members first.

Sel. McCaffrey made a motion that Michael Guzinski, Town Administrator, be appointed as an ex officio member of the ESBC for the duration of the project. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. McCaffrey made a motion that Nancy Gustafson be appointed as an ex officio member of the ESBC for the duration of the project. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. McCaffrey made a motion that John Engler be appointed as an ex officio member of the ESBC for the duration of the project. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. McCaffrey made a motion that Richard Nichols be appointed as an ex officio member of the ESBC for the duration of the project. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. McCaffrey made a motion that Jason Phelps be appointed as an ex officio member of the ESBC for the duration of the project. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. Barnes read a letter submitted by the Chair of the Millis School Committee, Denise Gibbons, into the record as follows for consideration of the Board:

July 23, 2017

Millis Board of Selectmen:
Mr. James McCaffrey
Ms. Catherine MacInnes
Ms. Loring Barnes
900 Main Street
Millis, MA 02054

Re: ESBC ex-officio members

Dear Selectman McCaffrey, Selectman MacInnes and Selectman Barnes:

I am writing on behalf of the Millis School Committee regarding the re-appointment and appointment of ex-officio members to the Elementary School Building Committee (ESBC) scheduled for discussion at the July 24, 2017 meeting. I am unable to attend the meeting due to a business commitment but am writing to express the School Committee's support of the re-appointment of two, and appointment of a third, ex-officio member to the ESBC. I respectfully request that this letter from the School Committee be read at the July 24, 2017 meeting during discussion surrounding the topic of the ESBC ex-officio members.

The Millis School Committee requests that the Millis Board of Selectmen re-appoint Steven Catalano and Jennifer Soule, and appoint Kerri Ann Roche as ex-officio members to the ESBC. Mr. Catalano and Ms. Soule have been ex-officio members on the ESBC since its inception in August 2014. Over the past three years Mr. Catalano and Ms. Soule have both played key roles on the ESBC. Highlights of their contribution to the project are provided below:

- August 2014 – March 2015: Mr. Catalano and Ms. Soule have been actively engaged with the project since the Massachusetts School Building Authority (MSBA) invited Millis into its funding program in August 2014. Both Mr. Catalano and Ms. Soule worked to educate themselves on the MSBA process and gathered data about similar sized projects in preparation for a public outreach campaign regarding the feasibility study phase. They were instrumental in the distribution of information leading up to the special Town election in February 2015 and special Town meeting in March 2015. Mr. Catalano and Ms. Soule contributed to the creation and delivery of three presentations to Town committees and three public forums as well as the push of information through local publications and social media.
- April 2015 – Present: In addition to serving on the ESBC Mr. Catalano and Ms. Soule also serve as members of the ESBC working group. The working group meets bi-weekly to discuss the project at a detailed level in preparation for making recommendations to the ESBC. Over the course of the last 27 months Mr. Catalano has participated in over 55 ESBC and ESBC working group meetings, including 5 public forums, as well as multiple meetings with the MSBA in support of determining the best go forward approach for the Town. In addition, Mr. Catalano successfully shepherded the Article 97 passage through the legislative process through constant communication with state legislators including meeting with legislators at the State House.

Ms. Soule has participated in more than 30 ESBC meetings, including 5 public forums. Ms. Soule has played a key role in ensuring the community is informed by authoring, updating, and publishing project information, including the 17 page Frequently Asked Questions document. Ms. Soule has created materials and presentations leveraged in each public forum. Both Mr. Catalano and Ms. Soule were critical to the successful efforts surrounding the dissemination of information to the community in advance of the Town election and Town meeting this past spring.

Mr. Catalano and Ms. Soule have invested hundreds of hours specifically related to the Elementary School Building Project. As they have both been involved since the beginning they have a command of the project details and have amassed a deep level of understanding of both the project's and the Town's needs.

In addition to Mr. Catalano and Ms. Soule the School Committee has put forth Kerri Ann Roche for appointment to the ESBC. Ms. Roche has worked in the field of facilities management for over a decade. In her professional role Ms. Roche is responsible for all aspects of managing facilities and leads a team that manages a diverse portfolio of properties including universities and middle/elementary schools. Ms. Roche possesses a skillset that is necessary and beneficial for both the project and the Town and her addition to the ESBC is one we believe will serve both well.

The School Committee firmly supports all three individuals submitted for re-appointment and appointment and asks that the Board of Selectmen vote in favor of re-appointing Mr. Catalano and Ms. Soule and appointing Ms. Roche as ex-officio members of the ESBC.

Sincerely,



Denise Gibbons
Chairman, Millis School Committee

cc:

Karen Bouret
Steven Catalano
Marc Conroy
Michael Guzinski
Kerri Ann Roche
Jennifer Soule

Sel. McCaffrey made a motion to reappoint Steven Catalano as an ex-officio member of the ESBC.

Sel. McCaffrey urged a Board colleague to second the motion for discussion.

Sel. Barnes seconded the motion for discussion.

Sel. McCaffrey spoke in favor of reappointing Mr. Catalano. Sel. Barnes said she is not in favor of supporting Mr. Catalano and said Mr. Catalano had bullied her via social media. Sel. McCaffrey said he does not condone bullying but cautioned that making an accusation of that nature that could have legal implications at an open meeting is inappropriate. Diane Jurmain, member of the ESBC and PBC, spoke in favor of Mr. Catalano and said without his involvement the project would not be where it is today. Craig Schultze, member of the ESBC and PBC, also spoke in favor of Mr. Catalano's reappointment and said he has been recommended by both the School Committee and ESBC. Jon Wine, member of the ESBC and PBC, and also voiced full support of Mr. Catalano and said he agrees with Ms. Gibbon's letter and fully supports her recommendations. Mr. Klocko, ESBC and PBC Chair, spoke on behalf of both committees and said Mr. Catalano has their full support.

Sel. McCaffrey made a motion in favor. Sel. MacInnes and Sel. Barnes voted against. The motion did not carry.

Sel. McCaffrey made a motion in favor of reappointing Jennifer Soule as ex-officio member of the ESBC for the duration of the project. The motion was seconded by Sel. MacInnes and passed unanimously.

Sel. McCaffrey made a motion in favor of appointing Kerriann Roche as ex-officio member of the ESBC for the duration of the project. The motion was seconded by Sel. MacInnes and passed unanimously.

Sel. McCaffrey said other people have volunteered for the committee but voiced some concern about the committee becoming too large. Sel. Barnes said she feels there needs to be better representation from the community as a whole. Mr. Klocko agreed with Sel. McCaffrey and noted that there will be many meetings going forward, some scheduled during the work day, and scheduling will be increasingly

difficult the more members there are. A discussion between Mr. Klocko and Sel. MacInnes ensued regarding meeting times. Mr. Schultze made note that the School Committee, not the ESBC, will be the one to schedule community events as needed.

Sel. Barnes made a motion that Michael Banks be appointed as an ex-officio member of the ESBC. Sel. MacInnes seconded. Sel. McCaffrey voted against. Motion carried 2-1.

Sel. Barnes made a motion that Sean Doherty be appointed as an ex-officio member of the ESBC. Sel. MacInnes seconded. Sel. McCaffrey voted against. Motion carried 2-1.

Sel. Barnes made a motion that Jeanne Thompson be appointed as an ex-officio member of the ESBC. Sel. MacInnes seconded. Sel. McCaffrey voted against. Motion carried 2-1.

ESBC Chair Klocko made a motion to adjourn the ESBC meeting at 9:30pm. Seconded by Craig Schultze.

17-199 Capital Planning Advisory Committee Appointments

Sel. McCaffrey read the names of people to be considered for the Capital Planning Advisory Committee. John Barry, Wayne Carlson, John Corcoran, Peter Jurmain, James McCaffrey, Heidi Perkins, and Kerriann Roche as presented by various members of the Board.

Sel. Barnes made a motion to appoint Jon Barry, Wayne Carlson, John Corcoran, Peter Jurmain, James McCaffrey, Heidi Perkins, and Kerriann Roche as members of the Capital Planning Advisory Committee for a one year appointment. Seconded by Sel. MacInnes and passed unanimously.

17-201 Stormwater Utility Update

Mr. Guzinski informed that Board that he and Jim McKay, Deputy DPW Director, had a phone conference with Kleinfelder recently and will have more information available at the 8/10 meeting. Sel. McCaffrey asked that a specific plan is in place sooner than later. The Board asked Mr. Guzinski to invite Kleinfelder in at the next BOS meeting for an update.

17-202 Legal RFP

Mr. Guzinski presented a draft legal RFP for approval by the Board. Sel. McCaffrey said the Board would like to meet the candidates for a brief presentation and asked for a plan for possible transition. Mr. Guzinski said leaving the options open as you go through the process and depending on what happens. Mr. Guzinski suggested retaining current counsel for any pending litigation so that a new counsel wouldn't need to get up to speed.

Sel. McCaffrey made a motion to approve the legal notice and legal RFP as presented with a change to update 45 to 60 days in section V. Selection. The motion was seconded by Sel. Barnes for discussion.

Sel. Barnes asked that additional experience requirements such as civil rights legislation, be added to section B. Experience. Mr. Guzinski agreed to update the document.

The Board amended the motion to include adding experience requirements as noted by Sel. Barnes. Motion passed unanimously.

Sel. McCaffrey made a motion to extend K/P's contract through September 30, 2017. The motion was seconded by Sel. MacInnes and passed unanimously.

17-203 One Day Alcohol License

Sel. MacInnes made a motion to approve a one day all alcoholic beverages license and a one day entertainment license for Boggestowe Fish & Game Club at 247 Ridge Street on Saturday, September 16, 2017 from 11:00am-9:00pm with notification to Millis Police and Fire for Boggestock Music Festival. The motion was seconded by Sel. Barnes and passed unanimously.

17-204 Water/Sewer Commitments

Sel. MacInnes made a motion to approve the fiscal year 2017 Water/Sewer Department Commitment to Collector for May for a total of \$1564.70. The motion was seconded by Sel. Barnes and passed unanimously.

Sel. MacInnes made a motion to approve the fiscal year 2017 Water/Sewer Department Commitment to Collector for June for a total of \$2912.36. The motion was seconded by Sel. Barnes and passed unanimously.

17-198 BOS Goal Setting

Item to be placed on 8/14/17 agenda

CONSENT ITEMS

Minutes approval to be placed on 8/14/17 agenda

Sel. McCaffrey made a motion to return to executive session to at 9:55pm. Motion seconded by Sel. MacInnes.

Sel. McCaffrey – yes, Sel. MacInnes – yes, Sel. Barnes – yes

Sel. McCaffrey made a motion to exit executive session to at 10:15 pm. Motion seconded by Sel. MacInnes.

Sel. McCaffrey – yes, Sel. MacInnes – yes, Sel. Barnes – yes

ADJOURNMENT

Sel. McCaffrey made a motion to adjourn at 10:16 pm. The motion was seconded by Sel. Barnes and passed unanimously.

Respectfully submitted: Karen M. Bouret