

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
Monday, August 14, 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 executive session for the following reasons:

**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 Grievance Level III Hearings)**

**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)**

The motion was seconded by Sel. MacInnes.

Sel. McCaffrey, aye

Sel. MacInnes, aye

Sel. Barnes, aye

PUBLIC HEARINGS AND SCHEDULED APPOINTMENTS

Sel. McCaffrey called the meeting back to order in open session at 7:05pm

17-210 Appointment of On-Call Library Assistant

Mike Guzinski, Town Administrator, said he met with applicant for On-Call Library Assistant Rebecca Applebaum and Alex Lent, Library Director, recently. Mr. Guzinski said Ms. Applebaum is a good candidate for the position and asked for Board to support his appointment of her. A general discussion ensued regarding different measures to address speeding such as speed bumps.

Sel. McCaffrey made a motion to approve the Town Administrator's appointment of Rebecca Applebaum as On-Call Library Assistant. The motion was seconded by Sel. MacInnes and passed unanimously.

17-211 Spring Street Concerns

Bud Drummey of 38 Spring Street spoke on behalf of the Spring Street residents' concern of the speed of traffic in both directions on Spring Street. Mr. Drummey said he met with Chief Soffayer and the police

have had increased presence to try and help as well as discussion about putting vehicle activated speed signs that show how fast cars are going in both directions. Mr. Drummey said the danger to walkers is increased due to the speed of cars as well as sidewalks in disrepair. Chief Soffayer said perhaps solar flashing speed signs plus the physical presence does help. The Chief said he applied for a grant to help defray costs of illuminating crosswalks and adding LED signs and also encouraged residents to email the Police Department where they have noticed vehicles speeding. A general discussion ensued regarding different measures to address speeding such as speed bumps. Wayne Klocko, Chair of the PBC and ESBC, said they are researching traffic and safety concerns within the context of the school.

Sel. McCaffrey asked the Town Administrator, Chief, and Assistant DPW Director to research solutions and to respond and report back to the residents at a meeting in September.

17-212 Stormwater Hearing – 1280 Main Street

Sel. McCaffrey made a motion to open the hearing for the Stormwater Management and Land Disturbance Permit at 1280 Main Street for the Milles E Community Solar Array. The motion was seconded by Sel. MacInnes. The motion passed unanimously.

Daniel Feeney of Beals and Thomas, Inc. presented the applications on behalf of the applicant. Mr. Feeney said this has been reviewed by the Planning Board and Conservation Commission. BETA, peer review for the Town, sent a letter to the Board of Selectmen showing that conditions that all conditions except for three items have been met by the applicant and recommends approval contingent on meeting those. The owner of Clean Energy Collective, Greg Carey, said this array will be a community solar array and they have been working with the Energy Committee at the Town. Mr. Carey said this provides residents with an opportunity to use solar if they can't afford to put solar panels on their own homes and the Town benefits since the panels are taxed as personal property. A PILOT program will be discussed with the Town in the near future. A resident from 69 Farm Street raised concerns about the rezoning of land. The land owner, Bruce Berry, spoke on his own behalf. Mr. Carey said he would be happy to meet with the resident to discuss any concerns. Discussion ensued about fencing and possible landscaping to disguise the array.

Sel. Barnes made a motion to close the Stormwater and Land Disturbance hearing for 1280 Main Street. The motion was seconded by Sel. MacInnes and passed unanimously.

Sel. MacInnes made a motion to approve the Stormwater and Land Disturbance permit for Millis E Community Solar Array at 1280 Main Street with the following conditions: construction inspection to be performed by a designee of the Town, with associated cost being paid by the applicant, for erosion control and stormwater management construction including observation of subsoils prior to installation of all infiltration basins; a copy of the final SWPPP shall be submitted to the Town for review and comment prior to construction; the signatures of the prospective owners shall be provided in the Long-Term Operations and Maintenance Plan prior to construction, and suitable plantings be added between the property and 69 Farm Street. The motion was seconded by Sel. McCaffrey and passed unanimously.

SCHEDULED BUSINESS

17-215 Approval of Contract Amendment Tappe

Mr. Klocko presented contract amendments for the Clyde Brown project for the architect, Tappe shown in Attachment F as Amendment No. 5. Mr. Klocko said until there was a specific scope with specific

numbers; this approval had to be held off. Mr. Klocko reviewed the upcoming hazardous materials testing effort that is forthcoming.

Sel. McCaffrey made a motion to approve the contract amendment for Tappe Architects, Inc. for Hazardous Materials at \$11,770.00, Geotechnical and Geo-Environmental services for \$73,991.50, and Traffic Consultant services for \$16,500.00 for a total fee after the amendment of \$4,330,619.50. The motion was seconded by Sel. MacInnes and passed unanimously.

PUBLIC HEARINGS AND SCHEDULED APPOINTMENTS

17-213 Stormwater Utility Update - Kleinfelder

Betsy Frederick of Kleinfelder presented a PowerPoint presentation to update the Board regarding stormwater utility implementation services. Ms. Frederick gave a brief overview of how a stormwater utility works then reviewed the steps/dates to get to Town Meeting and the policy-based decisions that need to occur.

Sel. McCaffrey made a motion that the Board supports using a stormwater utility billing system to fund the stormwater mandate. The motion was seconded by Sel. MacInnes and passed unanimously.

A discussion ensued about next steps including assembling a task force of department heads to try and meet the proposed timeline. Mr. Guzinski recommended that the Board approve the funding specifically for Task 1 and for the contract subject to review by Town Counsel.

Sel. McCaffrey made a motion to authorize the Town Administrator to enter into an agreement to complete Task 1 of the August 11, 2017 letter from Kleinfelder for an amount not to exceed \$42,600.00. The motion was seconded by Sel. Barnes and passed unanimously.

A brief discussion ensued about what impervious surfaces are and it was noted that it will be defined as part of the bylaw. A “typical” home should be somewhere around \$60-65, but there will be many determining factors.

17-214 Discuss Waiver of Sewer Connection Fees 26-28 Spring Street

Mr. McKay said Mr. Roche is building a 12 unit subdivision with rental units as part of two buildings. The first building has six units where the sewer and water tie-in fees will be paid by Mr. Roche. For the second building there is already a stub even though the construction is new. Mr. Roche has proposed to pay and do the work for the Town for a usage easement for future athletic field improvement.

Sel. McCaffrey made a motion that the Board agrees that given the circumstances presented at 26-28 Spring Street the proposed water and sewer connection fees will be charged as presented by Mr. Roche and the easement work will be paid for by Mr. Roche. The motion was seconded by Sel. MacInnes and passed unanimously.

17-216 Review & Discussion of Legal Services RFP

Mr. Guzinski said the Town received RFP’s from three law firms for Town legal services. Mr. McCaffrey asked for a special BOS meeting on September 13th to interview the applicants. Mr. Guzinski will review the RFP’s to make sure all qualify and will put together a comparative chart to show the differences for the Board.

17-217 Marijuana Moratorium

Sel. McCaffrey presented the temporary moratorium on recreational marijuana establishments language provided by Town Counsel and asked for input from the Board regarding timing and language. Ellen Rosenfeld stated that she supports the moratorium and feels it won't interfere with any prospective businesses timeline but asked that work is done during that time by the Town to figure out where things are going. Sel. McCaffrey said he feels work towards a zoning bylaw amendment should be done, and hopes to have something for the Planning Board by early October. Sel. Barnes agreed with Ms. Rosenfeld and sees this as a first step. A discussion ensued about the amount of time the moratorium should be in place and the difference between the state's regulations verses the zoning regulations.

Sel. McCaffrey made a motion to approve a temporary moratorium on recreational marijuana establishments and for the Town Administrator and Operations Support Manager to pull together language to give to the Planning Board. The motion was seconded by Sel. McCaffrey and passed unanimously.

17-218 Discussion of Secret Ballot Proposal for Town Meeting

Sel. Barnes spoke in favor of a paper/secret ballot at town meetings and explained her concerns regarding residents' ability to vote openly at a town meeting. Ms. Barnes said she has been approached by residents who felt they would be bullied due to their vote. She researched other communities and an electronic voting option that is available.

Sel. McCaffrey said it is not within the purview of the Board but rather of Town Meeting to decide. Sel. Barnes would like to see a demonstration at town meeting, and would like to see this further explored by Millis. Sel. McCaffrey said it would need to be proposed as a bylaw to be voted at Town Meeting with specific language. Discussion ensued about using electronic device verses just allowing a paper ballot. Town Clerk Lisa Hardin said she supports investigating a device. Sel. McCaffrey noted that this would be a fundamental change to Town Meeting since people would no longer stand up to vote for what they support or oppose. The Board agreed to ask an electronic voting device vendor come to a future Board meeting to do a demonstration.

17-219 Permit Approval Cycle for Life

Sel. MacInnes made a motion to approve the permit for the Cycle for Life permit to allow the bike tour to travel through Millis on Saturday October 7, 2017 in coordination with Police department. The motion was seconded by Sel. Barnes and passed unanimously.

17-220 Approval of Field of Flags Event – Lions

Sel. MacInnes made a motion to approve the permit application for the Field of Flags event to be displayed in front of the Veterans Memorial Building one week prior to Veterans' Day, 11/11/17, and one week after. The motion was seconded by Sel. Barnes, and passed unanimously.

CONSENT ITEMS

Sel. McCaffrey asked that approval of minutes be deferred to the 9/11/17 Board meeting to allow time for review.

ADJOURNMENT

Sel. McCaffrey made a motion to adjourn at 10:15pm. The motion was seconded by Sel. MacInnes and passed unanimously.

Respectfully submitted: Karen M. Bouret