

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
Monday, September 24, 2018, 2018
Veterans Memorial Building Room 229
900 Main Street, Millis, MA 02054**

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

EXECUTIVE SESSION 6:00PM

Sel. MacInnes made a motion to enter executive session to conduct strategy sessions in preparation for litigation if an open meeting may have a detrimental effect on the litigating position of the public body. (Coviello/Tanko; Pernice), seconded by Sel. McCaffrey.

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

Return to open session at 7:00 pm

ANNOUNCEMENTS

Interim Finance Director Hannah York reviewed the breakdown of the certification of Free Cash. (See memo dated 9/24/18)

PUBLIC HEARINGS & SCHEDULED APPOINTMENTS

18-213 Appointment of Finance Director

Mr. Guzinski said after a thorough and lengthy process to find a candidate for Finance Director he is now ready to make a recommendation to the Board. Mr. Guzinski thanked the review board and all involved in the search process. Sel. McCaffrey added that the Finance Director position is a multi-faceted position and noted the importance of the joint effort by town and school to find a strong candidate.

Sel. McCaffrey made a motion to approve the Town Administrator’s appointment of Carol Johnston as Finance Director for the Town pending successful contract negotiation and a physical. The motion was seconded by Sel. Barnes and passed unanimously.

Ms. Hannah York, Interim Finance Director, voiced her approval and said she has enjoyed her time in Millis and will be available to Ms. Johnston going forward.

18-214 Stormwater & Land Disturbance Hearing – Acorn Place

Sel. McCaffrey made a motion to continue the Stormwater and Land Disturbance Hearing for Acorn Place to Monday, October 1st at 7:05pm. The motion was seconded by Sel. Barnes and passed unanimously.

UNFORESEEN

Mr. Robert Cassidy, former resident, asked the Board for approval to speak on their behalf to ask Secretary of State John Kerry to do a book signing here in Millis since the first chapter of his new book is about Millis and Mr. Kerry’s time growing up in the town.

Sel. McCaffrey made a motion to have the Chair sign a letter on their behalf to ask Secretary Kerry to come for a book signing in Millis. The motion was seconded by Sel. Barnes and passed unanimously.

18-216 Municipal Vulnerability Preparedness (MVP) & Open Space and Recreation Plan (OSRP) Review and Approval

Mr. Robert Weiss, Energy Manager, addressed the Board to request approval of consulting services by the Metropolitan Area Planning Council (MAPC) to help the Town to acquire his MVP designation and to update the OSRP.

Sel. McCaffrey made a motion to authorize the Town Administrator to sign the agreement with MAPC for a Technical Assistance grant for \$15,000.00 in consulting services on behalf of the Town. The motion was seconded by Sel. Barnes and passed unanimously.

18-218 Review & Discuss 11/5/18 Annual Town Meeting Warrant

Mr. Guzinski said the warrant closed at 6:00pm this evening. Mr. Guzinski reviewed the draft article list with the Board as follows:

1. Unpaid Bills
2. Unemployment Account
3. Sanitary Landfill Monitoring Services
4. FY18 Snow & Ice Deficit
5. FY19 Financial & Economic Development Director/Planner Consulting
6. Increase Spending Authorization on Recreation Revolving Fund
7. Rescind Balance of Unneeded Borrowing Authorizations
8. Purchase of Used Bus (from Bus Stabilization Account)
9. Capital Items
10. OPEB
11. Stabilization Fund
12. Retail Marijuana (1) Special Permit/Zoning
13. Retail Marijuana (2) Licensure
14. Retail Marijuana (3) Public Consumption
15. Retail Marijuana (4) Nuisance Regulations

18-219 Approval to Waive Fees for Building Projects

Mr. Guzinski explained that there are two major projects going on at the Veterans Memorial Building/Town Hall. One is to renovate Room 18 including waterproofing and the installation of a sump pump and the other is the replacement of an HVAC system at the gym.

Sel. McCaffrey made a motion to approve waiving half of the trench permit fee and ½ of the electrical permit fees and any other fees related to the two projects, room 18 and the gym, at the Veterans Memorial Building. The motion was seconded by Sel. MacInnes and passed unanimously.

18-220 Touch a Truck Permit

Sel. MacInnes made a motion to approve the Halloween Party & Touch a Truck hosted by the Recreation Department at the Veterans Memorial Building gym and parking lot on Saturday, 10/27 from 1:00 – 3:00 pm. The motion was seconded by Sel. Barnes and passed unanimously.

18-221 Block Party Permit

Sel. MacInnes made a motion to approve the Block Party permit for 7 Lexington Lane, with coordination from Police and Fire, on Saturday, 10/27 from 2:00 – 9:00 pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

18-222 One Day Alcohol License

Sel. MacInnes made a motion to approve a One-Day Alcohol License for a Halloween Porketta and Chicken Dinner hosted by the Millis Lions, on Friday, 11/2 from 6:00 – 9:00 pm at Saint Thomas' Large Hall. The motion was seconded by Sel. Barnes and passed unanimously.

Approval of Minutes

Sel. MacInnes made a motion to approve the minutes of 9/10/18 with a minor correction. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. MacInnes made a motion to approve the minutes of 4/20/18 with a minor correction. The motion was seconded by Sel. Barnes. The motion passed with Sel. McCaffrey abstaining since he was not present at the meeting.

18-217 Discussion of Proposed Marijuana Zoning Bylaw

Chair MacInnes noted that the Board's discussion regarding the proposed marijuana zoning bylaws should be focused solely on the zoning bylaws and discussion about the Board of Health's nuisance regulations would not be appropriate at this time. Sel. McCaffrey said town counsel sent a memo regarding zoning noting that the moratorium will expire at the end of this year and failure by the town to act will have severe implications on the ability to control where marijuana establishments can be located. Sel. McCaffrey said the proposed zoning bylaw has minor changes from the article placed on the Spring Town Meeting Warrant.

Sel. MacInnes voiced concern about including time limits in the bylaw, specifically a termination at the five-year anniversary, and would prefer to see the licensing issued by the Board of Selectmen who would handle renewals. Sel. MacInnes said it could have major implications on individual businesses that come into Town if they need to reapply for a special permit.

Ellen Rosenfeld, business owner in Town, said it would be an unenforceable regulation and said there are many other ways to make sure businesses comply with town mandated restrictions including the use of nuisance regulations. Sel. McCaffrey noted that the language is included to make sure the businesses are good neighbors.

Sel. MacInnes made a motion that section 3. Special Permit Conditions on Marijuana Establishment, subsection e. should be eliminated from the zoning article put forth by the Planning Board. The motion was seconded by Sel. Barnes the motion passed 2-1. Sel. McCaffrey opposed.

Sel. McCaffrey made a motion to remove the second paragraph "By amending Section V, Use Regulations, by repealing Subsection G. "Temporary Moratorium On Recreational Marijuana Establishments" adopted by Town Meeting during November, 2017". The motion was seconded by Sel. MacInnes and passed unanimously.

A discussion ensued about the language of the article. The Board worked to find a unified approach to make a recommendation to the Planning Board.

Sel. McCaffrey made a motion to reconsider the vote on the Special Permit Conditions that passed 2-1.

Sel. McCaffrey made a motion that section 3. Special Permit Conditions on Marijuana Establishment, subsection e. should be eliminated from the zoning article put forth by the Planning Board. The motion was seconded by Sel. MacInnes and passed unanimously.

Sel. MacInnes noted that the Board of Selectmen believes this language can be eliminated since it will be covered under licensing which will likely be managed by the Board.

Sel. Barnes made a motion to recommend to the Planning Board that the language in Section 2., subsection a. "There shall be a minimum separation of 300 feet between Marijuana Retailers, as that term is defined by 935 CMR 500.00 and G. L. c. 94G, s. 1" be stricken. The motion was seconded by Sel. MacInnes and passed unanimously.

Sel. MacInnes noted that the Board of Selectmen believes this language could be confusing and is unnecessary.

Sel. MacInnes made a motion to remove section 3. Subsection a "Hours of operation, including dispatch of home deliveries". The motion was seconded by Sel. Barnes and passed unanimously.

Sel. MacInnes noted that the Board of Selectmen believes this will be covered during the licensing process and should not be included.

A general discussion ensued about the Board of Health's consideration of nuisance regulations. Sel. McCaffrey noted that the Planning Board is holding a hearing tomorrow evening and the Selectmen's recommendations will be sent to them prior to that. Sel. Barnes asked for a map of the zoning to be included for town meeting.

Sel. MacInnes made a motion to recommend to the Planning Board that the zoning warrant article be approved by the Planning Board with the recommended changes. The motion was seconded by Sel. McCaffrey.

A discussion ensued about all regulations.

The motion passed unanimously.

ADJOURNMENT

Sel. Barnes Made a motion to adjourn at 9:30. The motion was seconded by Sel. And passed unanimously.

Respectfully submitted: Karen M. Bouret