

TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES

Zoom Meeting ID : 864 1332 8843

February 23, 2021

6 PM

Present: Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, David Delaney, Sean Hendricks, the Town Clerk and Senator Moore

Zoom: Paul Frost, Lisa Redmond, Maxine, Justine Caggiano, Jennifer Nietupski and Steven Gallo, Invalid ID, Resident

“Welcome to the February 23, 2021 meeting of the Millbury Board of Selectmen. This meeting is being recorded and streamed by Millbury Public Access Cable Television. This Meeting is also available through [Zoom.us/download](https://zoom.us/download). Anyone who is participating through [Zoom.us/download](https://zoom.us/download) should state their name and address when speaking.”

6 PM Regular Session

Pledge of Allegiance

Guest Presentation

Plaque for Assistant Chief Francis King

Senator Moore presented Fran a citation from the Senate for his years 47 years of dedicated service. Representative Frost presented a citation from the House of Representatives and also thanked Fran for his service. Chairman Krumsiek presented a plaque from the Board, Congratulated Fran on his Retirement and stated they appreciate everything he has done for the Town.

Members of Station 2 Presentation of Plaque for Assistant Chief Francis King

Ray Peare from Station 2 presented Fran an engraved Fireman's bell

Fran wanted to Thank the voters of Millbury, Lions Club, Brothers & Sisters of the Fire Dept and Chief Hamilton. Fran also wanted to Thank his wife Gail and his family for their understanding and support as many events, holidays and special moments that he missed due to a fire call and especially his dad *Pepa & Beeper*.

Recess

Appointments

Steven Kosiba to the Board of Fire Engineers

Motion to appoint Steven Kosiba to the Board of Fire Engineers by Selectman Naff, 2nd by Selectman Delaney and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

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Laurie Connors & Conor McCormack to the Open Space Committee

Motion to appoint Laurie Connors & Conor McCormack to the Open Space Committee by Selectman Naff, 2nd by Selectman Despres and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

Michele Piselli to the Earth Removal Board

Motion to appoint Michele Piselli to the Earth Removal Board by Selectman Despres, 2nd by Selectman Delaney and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

Sign General Obligation Bond-\$4,500,000 General Obligation Athletic Facilities Bonds VOTE OF THE BOARD OF SELECTMEN

Selectman Despres read the following: I, the Clerk of the Board of Selectmen of the Town of Millbury, Massachusetts (the "Town"), certify that at a meeting of the board held February 23, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Motion to Voted: that the sale of the \$4,500,000 General Obligation Athletic Facilities Bonds (Unlimited Tax) of the Town dated March 1, 2021 (the "Bonds"), to BNY Mellon Capital Markets LLC at the price of \$5,044,625.50 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2022	\$325,000	4.000%	2029	\$320,000	4.000%
2023	325,000	4.000	2030	320,000	4.000
2024	325,000	4.000	2031	320,000	3.000
2025	325,000	4.000	2032	320,000	2.000
2026	320,000	4.000	2033	320,000	1.000
2027	320,000	4.000	2034	320,000	1.125
2028	320,000	4.000	2035	320,000	1.250

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 8, 2021, and a final Official Statement dated

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February 16, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the agenda for the meeting, a copy of which is attached hereto, was posted on the bulletin board of the town at least 24 hours before the meeting in compliance with Section 7-7(b) of the Town Charter.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including

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Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended, and as further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020 by Selectman Despres, seconded by Selectman McKenna and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

Vote to amend the Common Victualler License for Mykonos Café LLC to allow BYOB

Motion to amend the Common Victualler License for Mykonos Café LLC to allow BYOB by Selectman McKenna, 2nd by Selectman Delaney and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

Vote to approve the use of new Voting Equipment DS200

Motion to approve the use of the new voting equipment, DS200 Precinct Scanner, beginning at the Annual Town Election, April 27, 2021 and discontinue the use of the current voting equipment, Accuvote-OS machines by Selectman Despres, 2nd by Selectman McKenna and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

Discussion on No limit to Liquor Licenses

The Board asked for the Town Manger to write up an article in the warrant that would exclude the Town of Millbury from the existing law.

Management Update

*See Attached

Sean read a letter from a resident Thanking Officer Keith Gasco for his professionalism, dignity and communication skills in an incident which required police assistance.

Chairman Krumsiek and Selectman Naff asked for a follow up meeting with Sunrise Detox

Review & Approve Previous Minutes

Motion to approve the Minutes of the January 19, 2021 by Selectman McKenna, 2nd by Selectman Despres and on roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney all in favor, the following vote was approved 5-0.

Dates to Remember

*See Attached

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Roundtable Discussion and Citizens Feedback

On a Good Note: Community Events & positive stories about Millbury

Chairman Krumsiek wanted to thank the Board for one of the best discussions she has had during a workshop

7:21 PM Adjourn Meeting

Motion to adjourn the meeting by Selectman McKenna, seconded by Selectman Delaney and on a roll call vote with Selectman Krumsiek, Selectman McKenna, Selectman Despres, Selectman Naff and Selectman Delaney, all in favor, the following vote was approved 5-0.

Respectfully submitted,

Amy Fleming, Secretary

Mary Krumsiek

Katie McKenna

Scott Despres

Chris Naff

David Delaney

These Minutes were approved at the April 6 2021 Board of Selectmen Meeting. Signatures will be affixed after the State of Emergency.



TOWN OF MILLBURY *Office of the Town Manager*

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MANAGEMENT UPDATE

To: Board of Selectmen
Municipal Staff

From: 
Sean Hendricks, Town Manager

Date: February 19, 2021

TM:

- Met w/ Mass. Laborer's union rep to discuss various bargaining units
- Attended MMA's municipal CEO Covid-19 v-briefing
- Attended Technical Review Committee v-meeting re: multi-family development at 15 Rice Road
- Attend pre-construction v-meeting for 3 Colton Rd solar farm project
- Visited Upton regional Covid-19 vaccine clinic
- Attended 2/9 BoS meeting and 2/18 workshops (Chief Lewos goals/municipal parking lot snow)
- Conducted Downtown Revitalization project meeting w/ Planning Director and DPW Ops Mgr
- Conducted IT equipment and budget review with Worldband
- Attended 2/10 & 2/17 BoH meetings
- Attended Mass. Municipal Manager's Association's (MMA) 2021 kickoff v-meeting
- V-attended the Veterans' Affairs Task Force meeting
- Attended Shaw Bldg Comm/contractors v-mtg re: bid results
- Attended v-meeting with Worcester DPH/Health Alliance re: Covid vaccine

Updates:

- **Covid 19:** The BoH and Town remains committed to conducting a local vaccination clinic, if we are able to obtain the vaccine. The state has changed its position twice in the last two days. While this situation is frustrating for us, we take pride in knowing that Millbury is the only town in the Alliance that is prepared to conduct such a clinic. The BoH and our Public Health Nurse are focusing on obtaining vaccines for housing authority residents in Town; such a clinic would be feasible under the current guidelines. Judy O'Connor and her CoA staff have been doing spectacular work taking phone calls and assisting our senior citizens with scheduling vaccine appointments at the mass vaccination sites in Worcester. The Town is lucky to have such dedicated elected and appointed folks working here.
- **Cannabis revenue bylaw:** The Town was recently informed by the state Dept. of Local Services that its bylaw which determines the allocation of cannabis-related revenues is deficient. Apparently, it contains some impermissible discretionary language regarding the appropriation of those funds. As a result, all of those funds have dropped to the General Fund, as opposed to the reserve/stabilization funds the bylaws called for. We hope/expect to put updated, vetted by-laws on the ATM warrant. In the absence of that, we will propose appropriation articles that will ensure that revenue goes into its intended funds.
- **Grants/state earmarks:** The Town is the recipient of a FEMA Covid 19 grant in the amount of \$13,677. Thanks to Chief Hamilton for staying on top of our public safety/EM-related grant opportunities.

- **Finance:** I recognize that the Board has not received a financial report since prior to Mr. Vanni's departure. Beginning in March, I will provide the Board with a monthly expenditure report, which will enable members to see current year budget-to-actual departmental expenditures. This report will also be furnished to department heads, which will hopefully enable them to most effectively program their spending.
- **Employee time off accruals:** Back in December, the Board had a conversation about concerns surrounding high accruals and the associated payout costs when employees leave Town service. I have examined a list of accruals for all Town employees, and while there are some large accrual levels, all of the employees' payouts are capped by either the Town's personnel policies or by a collective bargaining agreement. The Town currently has two employees that are under contract—the Town Manager and the Police Chief; both of those contracts cap the payout obligation of the Town. So, we can reasonably predict our payout exposure for any potential employee exit. Through contract negotiations, I will continue to insist on reasonable limits to accrued time payouts. I don't see the Town encountering an unexpectedly high payout in the future.
- **Professional affiliations:** I have renewed my membership in the MMMA. I also applied for and was appointed as a member of the MMMA's Legal Assistance Fund Committee and the Civic Education Committee.
- **Personnel:** Get-well wishes to our Veterans' Agent, Philip Buso, who had an accident on a flight of stairs in his home. He's recovering well, but he'll likely be out for several weeks. We've been in contact with him and his supervisor in Gardner, where he also serves as Veterans' Agent. We're making sure benefit checks go out to all of the veterans Phil serves. MPD welcomes John Wojcik as its newest full-time dispatcher. We've welcomed Sherri Brousseau back into the Finance Department on a part-time basis, temporarily. Sherri has been very helpful to everyone by sharing her institutional knowledge. She has made my job and Lisa's job much easier, and she's provided assistance to most departments.
- **Farewell:** Jamie Kelley's last day with the Town was February 19. Jamie served the Town admirably as its HR Director and stepped up to serve as Acting Town Manager in the wake of David Marciello's contentious departure. Jamie successfully and effectively navigated Millbury through the worst days of the pandemic. I know he made many friends here, and he was highly thought of by many. After I became Town Manager, Jamie stayed on and continued to be the consummate professional by assuming responsibility in the Finance office. He prepared the budget documents and offered valuable historical data as we put together next year's budget. I appreciate his service and I wish him good fortune as he moves on. We're all better for having served with him.

Be safe and be well.

SH

DATES TO REMEMBER

Warrant Articles due in the Town Manager's Office by March 5.

Nomination papers are available for the Annual Town Election they are due back March 9.

Last day to register to vote for the Annual Town Election and Annual Town Meeting - if you are not a registered voter is April 7, 2021.

Annual Town Election is April 27, 2021

Annual Town Meeting is May 4, 2021