

**TOWN OF MILLBURY
BOARD OF SELECTMEN MEETING MINUTES**

March 8, 2022

6 PM

Present: Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff and David Delaney

Zoom: Fran Desimone, Greg Myers, Jayne, Michael, Ariordan, Revvl4t, John NagelSchmidt, Jennifer Nieptuski, Paul, Barry Bacon, viewer, cmarden

Regular Session 6 PM

Pledge of Allegiance

Citizen Speak

Fran DeSimone talked about the Finance Committee saying that we might be able to reduce the tax rate to \$1 per thousandth. We have \$5 million in Free Cash and the Board reduced the rate to \$0.43 which is less than the half. The homeowners should get relief through the \$5 million. The Shaw School and Fire Station took two years to complete and we won't have money to spend later. He mentioned the presentation of the Charter Review. They switched from having elected members to appointed members. This was done because some people didn't like the outcome of a project. All the decisions will be made by the Town Manger which isn't a good idea. He mentioned housing developments that pose as an issue which were created because certain individuals wanted to make multifamily housing. They don't show up to meetings and don't know what's going on. Everyone needs to follow the rules and regulations which were created by the citizens of the Town. There is no decorum because the Town Manger called the Planning Board dysfunctional.

Terry Burke Dotson of 20 Solo Terr. came in to talk about the removal of the Planning Board from the ballot. The Planning Board shouldn't be appointed. She stated that she has served and was elected by the people of Millbury. The attorney that worked on Rice Rd followed the same rules as Terry and the decision hasn't been appealed yet. There changes being made at Beach St. and West Main St. which will cause disruptions. We need a moratorium and asked the town to not accept 40B projects, because we have other big projects and zoning changes. We need permanent affordable housing in Millbury especially along 146 as they will help bring down the tax rate and be nice overall.

Plaque for Lieutenant Richard Lavallee

Representative Frost and Senator Moore and the BOS awarded Lieutenant Richard Lavallee for his service. Representative Frost acknowledged how difficult the job is.

Police Chief Lewos annual performance evaluation

Selectman Krumsiek commented on the amazing job that Chief Lewos has done and we can set future goals and objectives. Selectman McKenna mentioned how great the communication is. The Board liked the Police Department's budget and had no concerns with the Chief. Selectman Despres stated the transition was smooth and Chief Lewos created a strong foundation. Selectman Naff mentioned that the Chief is very approachable. Selectman Delaney added that the Chief stepped up and is doing a great job.

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FY 23 Budget Presentation

Sean mentioned that next year Jennifer will bring in a formal presentation with stressors and initiatives along with historic budget data. The proposed budget has some initiatives such as hiring more town employees which increased it. Police Department needs more employees for handling issues in Town. We need a dispatching crew. We need another employee in the Highway Department because the amount of workload has increased. We need to hire an HR personnel. We want to add the laborer benefits to the HR department. The HR personnel will only be working for the Town and not the school. The town can hire an Assistant Town Manager or HR personnel. The positions would affect the budget differently as they each have different benefits. The committee is open to both ideas. Hiring these employees would benefit departments and the Town. Another high cost for the next year is gas because of the increased gas prices. The numbers for the energy contract are locked. The ARPA Spreadsheet is being put together as well. We should go out for long term borrowing in the fall. Co Grow is coming to Town. The School is down to 3.5% and the money was given to taxpayers through tax revenues. The tax rate went from \$15 to \$15.12 and there's a \$39 increase to the average tax bill. Numbers will increase without 1M. If the rate increases then we can project future budgets as well. Service Budget needs improvements, we need a lot of Free Cash. We can use ARPA funds for Capital Projects which will decrease the tax bill. Selectman Despres added that the Finance Committee met once for it and will be closing the warrant soon. Chairman Krumsiek added that the 1M is very helpful. She was shocked to see the future projections. The receipts increased and the levy capacity has ups and downs. Selectman McKenna asked about bottom line budgeting because of the crisis. Sean stated that we have a good crew who can handle the changes but he hasn't thought of doing it. Selectman Naff stated a benefit would be that department heads can utilize the money more freely. Selectman McKenna asked how do you structure your motion. Sean replied with historical data. Jennifer stated that she made an estimate for the for the 26 month borrowing for Shaw School

Charter Review Committee Spring 2022 Final Report- Jeff Raymond

Jeff from 1 Coldbrook Rd came in to talk about the Charter Review Committee. The three categories of changes for the charter are cleaning up the definitions, changing according to laws, fundamental changes as to how the Town is governed. Certain subtexts and heading aren't necessary. The Town of Millbury's position was clarified in the charter. Some fixes are needed for Best Practices.. There needs to be a change in the number of Library Board of Trustees. The committee will be addressing the Board as Select Board. Including all pronouns and being inclusive to all gender identities. The committee will include one nomination from the Town moderator to Board of Library Trustees. They also made changes in the Town Manager screening process. The committee for the process will exclude: town employees, Board of Selectman and members of bargaining units that negotiate with the Town Manger. Selectman Naff stated that someone from the Board should be a part of that process and the Board agreed. Selectman Despres added that the Board should have a choice and if it's just for residents of Millbury. Selectman McKenna asked if Jeff looked at the charter of other towns and he said no because we had unique circumstances and yes its town residents only. Jeff talked about Article 8 and the removal of expired transitional language. Selectman Naff added the Asa Waters Task

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Force and if there was a push to change it to Board of Trustees or something different. Jeff said no and mentioned that Planning Board should be appointed by the Town Manager. Selectman Krumsiek stated that will be the toughest change. Sean added that the Planning Board members ultimately has to allow rules and the Board or Sean can't force the members to follow their ideas. Compensation was another change that Boards and Committees can be compensated. The next steps are: Jeff submitted theses and hopefully they will go on the Spring Town Meeting Warrant. Selectman Naff asked if it is going to the State for approval and Jeff replied no since it was too late in the process. Jeff then thanked the current and former members of the committee for their help in the betterment of the Town. Chairman Krumsiek asked when they would like a Public Hearing and Jeff said as long as it is before Town Meeting. The Board decided March 29th and Selectman Despres asked how will they make changes presented by the public. Jeff said they could add and clean up before the changes are finalized.

2nd Reading of the Municipal Code of Conduct

Everyone is good with it and the Board will vote at the next meeting.

Discussion of local Small Business Assistance Grant program

Selectman Naff stated that they are pretty close to starting and are going to start working on the agreement for people to sign. They will tell the public about what funds are available and how to apply. Sean asked who may be on the selection process committee and Selectman Naff mentioned that currently he is thinking about Sean, Selectman Delaney, and private sector partners for the program.

Discuss the Charge of the Asa Waters Task Force

It will be brought up at the 1st meeting in April which is April 4th. Selectman Despres asked clarity from Selectman Naff for clarity on no.4. The Task Force will go over the changes in the next meeting.

Proclamation in support of the people of Ukraine

Selectman Despres read the following proclamation:

"The Select Board and the citizens of the Town of Millbury stand in solidarity with the people of Ukraine in the face of the abhorrent, unprovoked assault on their country, their freedom, and their lives.

We in Millbury hope for a swift end to this unjustified violence on the part of Russia. We condemn the needless loss of life and join in praying for the innocent men, women and children of Ukraine who wish to live peaceful lives as a sovereign nation, free from the dictates of the leader of another country.

To further demonstrate our solidarity, the Town will shine blue and yellow lights at certain locations, in honor of the flag of Ukraine."

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Motion to accept the proclamation as read by Selectman Despres, 2nd by Selectman Delaney, on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman Naff, Selectman McKenna and Selectman Delaney. Motion carried unanimously.

Management Update

Sean stated that he is focusing on the Budget. He thanked the Charter Review Committee for all their work. He mentioned there will be a discussion for MBTA zoning units at the next meeting. Staff is meeting with residents regarding draining issues. The owner of the hotel will be working with the Town to figure out the issues with his drainage line. We haven't been able to identify any properties where the Town is responsible for the water damage. Sean mentioned that we will be creating job posting for Town Engineer and an Event Coordinator for Asa Waters. Sean then stated that Chief Lewos deserves the praise and positive evaluation. Selectman Despres asked when do department heads meet and Sean stated every fourth Thursday at 10 a.m. Selectman Krumsiek she met with the Board of Fire Engineers. Sean stated that it is not a cultural issue and the fire department is here to keep people safe. Selectman Naff agreed. Gary Nelson was appointed by Sean to the Upper Blackstone Water Pollution Abatement District.

Review & Approve Previous Minutes

Motion to approve the Minutes of January 25th, 2022 by Selectman McKenna, 2nd by Selectman Delaney. Motion carried unanimously

Dates to Remember

Last day to register voters April 6th
Town Election at MHS Gym from 7am-8pm April 26th
Annual Town Meeting MHS Auditorium May 3rd at 7pm
Selectman Naff's birthday March 10th
Public Hearing for Charter Review will be March 29th

Roundtable Discussion and Citizens Feedback

Jeff Raymond thanked Sean for his help with the Charter Review Committee. He added that Non-Profits should also be considered for the small business loan. Fran Desimone asked when the Charter Review will have a meeting on March 29th, and will the Board vote on it as well and would the articles be voted on together or individually. Jeff responded its just discussion on March 29th, it will be voted as a Town at Town Meeting. 7 articles will be voted on individually. Fran stated that MBTA paper needs to be filed 5/2/22 but the choosing of the area is 12/21/24. Fran asked does the Town need to submit a form for this process. Sean said yes. Fran continued on to say that he doesn't believe that the 50 acres needed for this project will be ever used again and will be a waste of grants.

On a Good Note

Chairman Krumsiek congratulated Mateo Sousa MHS 2022 on his wins at the ski race and the Special Olympics and thanks to Steve Piscitelli for installing windows at the Butler Farms. Selectman Despres added that the Millbury Library is hosting the annual Boston Bruins PJ drive. Please donate a new pair of PJ's by March 21st. The Library's goal is 50 PJ's.

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8:43 PM Adjourn Meeting

Motion to adjourn the meeting by Selectman McKenna, seconded by Selectman Delaney
Motion carried unanimously.

Respectfully submitted,

Amy Fleming, Secretary

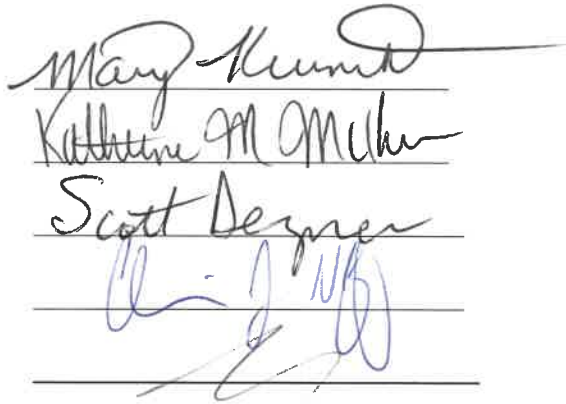
Mary Krumsiek

Katie McKenna

Scott Despres

Chris Naff

David Delaney

The image shows five handwritten signatures in blue ink, each written on a horizontal line. From top to bottom, the signatures are: Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, and David Delaney. The signatures are written in a cursive style.

Millbury Board of Selectmen
127 Elm Street
Millbury, MA 01527

2 March 2022

cc: Sean Hendricks, Town Manager
Jayne Davolio, Town Clerk
Amy Fleming, Executive Assistant

RE: Charter Review Committee Final Report

Millbury Board of Selectmen,

Section 7-6 of the Millbury Town Charter establishes a Charter Review Committee, designed to review the Millbury Town Charter and "make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable." With submission of this document, the Charter Review Committee completes its final report for the spring 2022 town meeting and provides a series of recommendations for consideration on the pages that follow.

This document reflects the work of many residents of the Town of Millbury over a nearly three-year process marked by a change in town managers and an unprecedented worldwide pandemic. As a result of our study and deliberations, we hereby submit seven warrant articles that propose a variety of changes, both cosmetic and consequential, to improve our charter.

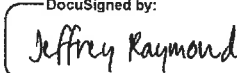
The current membership of the committee, in particular, would like to thank the following former members for their support and their time:

Michael O'Connor (former chair)
Roger Desrosiers
David Cofske

Kaye Peltier (former vice-chair)
Marie Cafferty (passed away in 2021)
Stephen Noonan

Per M.G.L. c. 43B, § 10 (b), the Charter Review Committee requests a public hearing before the Board of Selectmen prior to the next Town Meeting to present these proposed changes to residents of the Town of Millbury.

On behalf of the Charter Review Committee,

DocuSigned by:

17CCE2805B3943C...

Jeff Raymond, Chair (signed)
Charles Cooper
Leonard Mort
Frank Piscitelli

Paul Concemi, Vice-Chair
Scott Despres
Jennifer O'Connell

CHARTER REVIEW COMMITTEE PROPOSED WARRANT ARTICLES

First Article: Minor and/or Cosmetic fixes:

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 1-7 is amended to remove the following subsection designations while retaining the definitions that follow them as written:
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)
 - (h)
 - (i)
 - (j)
 - (k)
 - (l)
 - (m)
 - (n)
- **Rationale:** The subsection designations in Section 1-7 are unnecessary and create additional work for current and future Town Charter amendments.
- Section 1-7, following the definition of "Voters," is amended to include the following:
 - *Warrant* - the word "warrant" shall mean an authorization for action.
 - **Rationale:** The word "warrant" has several meanings, and this change clarifies the existing understanding and intention of the term in the charter.
- Throughout the Charter:
 - Instances of "town" within the Town Charter which refer explicitly to the Town of Millbury are changed to "Town" as follows:
 - Section 2-1, "...powers of the Town..."
 - Section 2-11, "All powers of the Town, except..."

- Section 2-11, "...all of the powers of the Town..."
- Section 2-11, "...imposed upon the Town..."
- Section 3-1, (b), "...by ballot at Town elections."
- Section 3-2, (b), "...The executive powers of the Town..."
- Section 3-2, (b), "...chief executive office of the Town..."
- Section 3-2, (b), "...agency of the Town..."
- Section 3-2, (c), "...licensing board for the Town..."
- Section 3-2, (e), "...affairs of the Town..."
- Section 3-2, (e), "...claims against the Town."
- Section 3-6, (b), "...areas within the Town."
- Section 3-7, (b), "...needs of the Town and shall make plans for the development of the Town."
- Section 3-7, (b), "...future growth and development of the Town."
- Section 3-7, (b), "...land within the Town..."
- Section 3-7, "...condition of the Town."
- Section 3-8, "...property of the Town..."
- Section 3-10, "...taxation within the Town."
- Section 4-1, "...appropriated by the Town."
- Section 4-1, "...resident of the Town..."
- Section 4-1, "...the Town government for at least..."
- Section 4-1, "The Town may from time to time..."
- Section 4-2, "...chief administrative officer of the Town..."
- Section 4-2, "...administration of all Town affairs..."
- Section 4-2, (b), "...posted on the Town bulletin board..."
- Section 4-2, (c), "...administration of a Town personnel system..."
- Section 4-2, (c), "...entered into by the Town."
- Section 4-2, (c), "...each Town agency..."
- Section 4-2, (f), "...activities of the Town..."
- Section 4-2, (g), "...needs of the Town..."
- Section 4-2, (h), "...all Town facilities..."
- Section 4-2, (h), "...all Town buildings..."
- Section 4-2, (i), "...operating budget for the Town..."
- Section 4-2, (j), "...property of the Town..."
- Section 4-2, (k), "...including contracts with Town employees..."
- Section 4-2, (l), "...activities of the Town..."
- Section 4-2, (l), "...received by any Town agency..."
- Section 4-2, (l), "...surplus by any Town agency..."
- Section 4-2, (m), "...Town by-laws..."
- Section 4-2, (n), "...other Town agency."
- Section 4-2, (p), "...Town agencies serving..."
- Section 4-2, (q), "...all Town agencies serving..."
- Section 4-2, (q), "...all agencies of the Town."
- Section 5-1, "The organization of the Town..."
- Section 5-1, (a), "...abolish any Town agency..."

- Section 5-1, (a), "...establish such new Town agencies..."
 - Section 5-1, (a), "...assigned to any other Town agency..."
 - Section 5-1, (b), "...business of the Town..."
 - Section 5-1, (b), "...abolish any Town agency..."
 - Section 5-1, (b), "...establish such new Town agencies..."
 - Section 5-1, (b), "...voted by the Town..."
 - Section 5-1, (b), "...appropriation of one Town agency..."
 - Section 5-1, (b), "...particular Town agency..."
 - Section 5-1, (b), "...any other Town agency..."
 - Section 5-2, "...by-laws of the Town of Millbury."
 - Section 6-1, "The fiscal year of the Town..."
 - Section 6-2, "...total Town operating budget..."
 - Section 6-3, "...proposed Town budget..."
 - Section 6-5, "...all Town agencies..."
 - Section 6-5, "...financial policies of the Town..."
 - Section 6-5, "...summarize the Town's debt position..."
 - Section 6-6, "...all Town funds and activities..."
 - Section 6-6, (a), "...detailed by Town agency..."
 - Section 6-6, (b), "...detailed by Town agency..."
 - Section 6-7, (b), "...each Town agency..."
 - Section 6-7, (b), "...any other Town agency..."
 - Section 6-9, "...chief fiscal officer of the Town."
 - Section 6-9, "...payment of Town funds prepared by the Town accountant..."
 - Section 6-9, "...payment by the Town treasurer..."
 - Section 6-10, "...and records of the Town..."
 - Section 6-10, "...of any particular Town agency..."
 - Section 6-10, "Audits of the Town's financial books..."
 - Section 6-10, "...in the affairs of the Town."
 - Section 7-5, "...adopted by any Town agency..."
 - Section 7-6, (b), "...of all by-laws of the Town..."
 - Section 7-6, (b), "...change in Town by-laws..."
 - Section 7-8, "...employee of the Town..." as found in the first paragraph, the second paragraph, and the third paragraph.
 - Section 7-8, (b), (c), "...employee of the Town."
- **Rationale:** This provides added clarity as to when "town" refers to "Town of Millbury" as opposed to specific municipal offices or organizations.

- Section 2-3, (b) is amended as follows:
 - (b) *Finance Committee* – There shall be a finance committee the members of which shall be appointed by the moderator. The number of members, the term of office and any other conditions of appointment or service as may be deemed necessary or desirable shall be established by by-law. All proposals to be submitted to a town meeting by warrant articles shall be referred to the finance committee by the board of selectmen at the earliest practicable time following their receipt by the board of selectmen. The finance committee shall report the action it recommends be taken on the articles contained in a town meeting warrant, in writing, together with a brief statement of the reasons for each such recommendation. Provisions for the format and distribution of such report shall be made by by-law. The finance committee shall have such additional powers and duties as may be provided by general law or by by-law.
 - **Rationale:** The language as presently written implies that only the “subject matter” of proposed warrant articles should go to the Finance Committee, while the intention and current practice is that all proposed articles are submitted for review.

Second Proposed Article: Updates and Alignment With Best Practices and Current Law

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 3-1, (b) shall be amended to include “or state elections” following the words “town elections”:
 - **Rationale:** The local representative for Blackstone Valley Regional Vocational Technical High School is elected at the statewide elections in the fall, rather than the town election in the spring. This change ensures the election of this representative is aligned with state law and regional practice.
- Section 3-2, (e) shall be amended as follows:

(e) *Investigations* – The board of selectmen may make investigations and may authorize through the police department, the town manager, the town counsel or other appropriate entity to investigate the affairs of the Town and the conduct of any town agency including any doubtful claims against the town. The report of the results of such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.

 - **Rationale:** As presently written, this section leaves open the implication that either *only* the Board of Selectmen may investigate, or that *anyone* the Board of Selectmen designates may investigate. This ensures that the appropriate entities are engaged as part of any investigatory process, aligned with current best practices.
- Section 3-8, (a) shall be amended as follows:

(a) There shall be a board of library trustees consisting of six members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

 - **Rationale:** Massachusetts General Law Chapter 78, Section 10, specifies “a board of trustees consisting of any number of persons... divisible by three...”. Changing “seven” to “six” brings Millbury in line with state law.

- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to Article 2.55.030 of the Millbury Municipal Code to reflect this change.
- Throughout the Charter:
 - Instances of “board of selectmen” within the Town Charter which refer to the Town of Millbury are changed to “Select Board” in the following sections:
 - Section 2-3
 - Section 2-5
 - Section 2-6
 - Section 2-7
 - Section 3-1
 - Section 3-2 (including the title)
 - Section 4-1
 - Section 4-2
 - Section 4-4
 - Section 4-5
 - Section 5-1
 - Section 6-4
 - Section 6-5
 - Section 6-6
 - Section 6-8
 - Section 6-9
 - Section 6-10
 - Section 7-6
 - **Rationale:** While the Charter Review Committee acknowledges a previous unsuccessful effort to change the name of the Board of Selectmen to Select Board, it similarly recognizes the increased adoption of the term in the region, the media, and other private organizations since that prior effort.
 - The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect this change.
- Section 7-4 shall be amended as follows:
 - Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing any specific gender identity shall include any and all gender identities.

- **Rationale:** It is the view of the Charter Review Committee that there is no drawback present in adjusting language concerning gender identity to be more inclusive of the current and potential population in town.
- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect this change.

Third Proposed Article: Update to the Charter Review Committee Appointments

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 7-6 shall be amended as follows:
 - Replace the sentence “The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, and the finance committee shall each designate two persons, and three persons shall be appointed by the town moderator,” with the following:

The committee shall consist of nine members who shall be chosen as follows: the board of selectmen, the school committee, the town moderator, and the finance committee shall each designate two persons, and the board of library trustees shall designate one person.

- **Rationale:** As the Board of Library Trustees possess a governing authority similar to the other groups listed in this section, providing that elected board with a selection without increasing or reducing the total number of seats on the committee or the number of seats appointed by multiple-member boards is reasonable.

Fourth Proposed Article: Update to the Town Manager Screening Committee Process

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Remove Section 8-5, (c), in its entirety.
- Article 4 shall be amended as follows:
 - The first sentence of Section 4-1 is amended as follows:

The board of selectmen shall appoint a town manager from a list prepared by a screening committee established in SECTION 4-6: TOWN MANAGER SCREENING COMMITTEE.

- The fourth sentence of Section 4-1 is amended as follows:

The town manager shall be a person qualified by education, training and previous experience to perform the duties of the office, as set forth in Millbury Municipal Code Title 2, Section 2.20.010 ("Screening Committee for Selection of Town Manager").

- A new section, SECTION 4-6: TOWN MANAGER SCREENING COMMITTEE, is added to follow Section 4-5, containing the following text:

Within thirty days following notice of a vacancy or resignation of the town manager, a screening committee to evaluate candidates to serve as town manager shall be established. The town manager screening committee shall consist of nine residents who shall be chosen as follows: the Select Board, the school committee, the board of assessors, the finance committee, and the library trustees shall each designate one person, and four persons shall be chosen by the town moderator.

(i) Persons chosen by said agencies may, but need not, be members of the agency by which they are designated.

(ii) Appointments made by the town moderator shall be made last in time in order that in making appointments the moderator may, insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the town manager screening committee to be most representative of the demographic and occupational base of the town.

(iii) Members of the Select Board are prohibited from serving on the town manager screening committee.

(iv) Employees who directly or indirectly report to the town manager, as defined by the organizational chart, or who are employed by the Town of Millbury under a collective bargaining agreement negotiated by the Town Manager, are prohibited from serving on the town manager screening committee.

The town clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.

The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.

Not more than one hundred and fifty days following the date on which the committee meets to organize, the committee shall submit to the Select Board the names of not less than three nor more than five persons whom it believes to be best suited to perform the duties of the office of town manager.

Within thirty days following the date the list of nominees is submitted to it, the Select Board shall choose one of the said nominees to serve as town manager. In the event the Select Board shall fail to make an appointment within the said thirty days the screening committee shall, forthwith, appoint the town manager.

Upon the appointment of a town manager the committee established hereunder shall be considered discharged.

- **Rationale:** These changes: 1) place the Town Manager Screening Committee in its proper and expected location in the charter, 2) ensure that members of the Board of Selectmen/Select Board (who ultimately hire the Town Manager) do not also exercise undue weight in the selection process, 3) replace the non-existent Personnel Board with the Board of Library Trustees for purposes of selecting a member (as the Town Manager/Acting Town Manager is currently responsible for this appointment), 4) make explicit the prohibition of those with relevant conflicts of interest surrounding their employment with the Town or with town

agencies, and 5) specifies that members of the committee should be residents of the Town of Millbury.

- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect this change.

Fifth Proposed Article: Updates and Fixes for Article 8

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Section 8-1 is deleted in its entirety, and Article 7 is amended to add the following text after Section 7-10:

SECTION 7-11: CONTINUATION OF EXISTING LAWS

All general laws, special laws, town by-laws, votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

- **Rationale:** The Charter Review Committee has a limited scope: the Town Charter. It has not specifically reviewed the bylaws, nor was it made aware of any transitional laws that may still be in effect and thus would fall under this provision. This change retains the intended transitional provision of Section 8-1, but places it in 7-11 as a general provision in service to eliminating Section 8 in its entirety, creating no functional change to the charter itself.
- Section 8-2 is deleted in its entirety.
 - **Rationale:** All relevant officers and agencies under this section are now governed by this charter, and the section is no longer necessary.
- Section 8-3 is deleted in its entirety.
 - **Rationale:** All relevant officers and agencies under this section are now governed by this charter, and the section is no longer necessary.
- Section 8-4 is deleted in its entirety.
 - **Rationale:** All relevant records and property under this section are now governed by this charter, and the section is no longer necessary.
- Except for subsection (c) per the previous proposed warrant article, Section 8-5 is amended as follows:
 - Subsection (a) is deleted in its entirety
 - Subsection (b) is deleted in its entirety

- Subsection (d) is deleted in its entirety and Section 3-2 is amended as follows:
 - Current subsection (d) is changed to (e) and placed in proper alphabetical order.
 - Current subsection (e) is changed to (d) and placed in proper alphabetical order.
 - Subsection (e) *Appointments* is amended as follows:

Appointments – The Select Board shall appoint:

- a town manager, selected in accordance with Section 4-1, to serve for an indefinite term
- town counsel, to serve for an indefinite term
- registrars of voters and other election officers in a manner provided by Massachusetts General Law
- a board of appeals, as provided in the zoning by-law
- a conservation commission, to consist of five members appointed for terms of three years each
- a historical commission, to consist of seven members appointed for terms of three years each
- an industrial development financing authority, to consist of five members appointed for terms of three years each
- a chief of police
- a board of fire engineers
- a council on aging to consist of seven members
- a forest fire warden.

The Select Board may, in addition, establish and appoint such study or advisory committees of a non-permanent nature as it deems necessary or desirable.

- Section 4-2 is amended as follows:

(r) To appoint the following:

- a town accountant, who shall have the powers, duties and responsibilities as provided in General Laws chapter forty-one, sections fifty-five through sixty-one
- a town treasurer
- a town collector
- a town clerk
- a public works manager
- a tree warden
- a cemetery commission to consist of three members

- a sewer commission to consist of three members
- a parks commission to consist of five members
- a youth commission to consist of seven members
- a cultural council to consist of five members, appointed annually, in accordance with Massachusetts General Law
- a Millbury cable television commission to consist of five members appointed annually
- a development and industrial commission to consist of five members
- an emergency management director and related emergency management personnel
- a capital budget committee to consist of seven members
- an inspector of buildings
- a wire inspector
- an inspector of gas appliances and gas fittings
- a plumbing inspector
- an animal control officer
- a sealer of weights and measures in accordance with the civil service law and rules
- a parking clerk
- a right-to-know coordinator
- a veteran's services director, veteran's agent, veteran's graves officer and burial agent
- an Asa Waters Mansion Task Force to consist of seven members
- all other officers, department heads, and employees for whom no other method of selection is provided.

Unless otherwise provided all appointments made by the town manager shall be for a term of three years, appointments to multiple member bodies shall be so arranged that as nearly an equal number of the terms of members as possible shall expire each year.

- Section 4-2 subsection (r) is amended to read as subsection (s)

- **Rationale:** Portions of Section 8-5 subsection (d) as stated above currently consist of duplicative, misplaced, and/or out-of-date information. This proposed change, writ large, is intended to reflect the intention of the charter.

In addition, these edits remove the non-existent personnel board from the list of appointments, change the name of "dog officer" to "animal control officer" in reflection of present and updated duties, change the name of "highway surveyor" to "public works manager," deletion of police chief as reflected by Massachusetts General Law and the removal of the police

chief position from civil service, and updates and generalizations of certain references to Massachusetts General Law where appropriate. With the exception of the removal of the personnel board and the words "of several officers," there are no functional changes, as amended, to the powers or duties outlined in the present charter.

- Section 6-7 is amended to add the following as subsection (d):

Reports of the Finance Committee – The report of the finance committee shall be printed and copies shall be made available at least seven days before the town meeting for distribution to every person who shall request a copy thereof at the office of the town clerk, at the public library, and at other places in the town chosen by the finance committee for the convenience of the voters.

- **Rationale:** This subsection within Section 8-5 is in the wrong place, and this moves it to the proper section.
- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect these changes, as numerous bylaws may point directly to places in Section 8.
- Section 6-7 is amended to add the following as subsection (e):

Time for Submission of Proposed Operating Budgets – For the purposes of section 6-2(b), section 6-3 and section 6-4, the following shall apply: The town manager shall submit a proposed town operating budget to the finance committee not less than sixty days prior to the date on which the town meeting is to convene in its annual session. The school committee shall submit its proposed operating budget to the town manager at least seventy-five days prior to the date on which the town meeting is to convene in its annual session.

- **Rationale:** This subsection within Section 8-5 is in the wrong place, and this moves it to the proper section.

- Article 8 is amended to read as follows:
 - The title of Article 8 of the charter shall be renamed "ARTICLE 8: APPOINTED OFFICIALS."
 - The proposed Article 8 consists of the following sections:

SECTION 1 – IN GENERAL

Powers and Duties – All appointed board members and officials contained within this Article shall have the powers and duties which have been conferred upon their offices by general law, by this charter, by by-laws or by other town meeting vote.

SECTION 2 – BOARD OF FIRE ENGINEERS

(a) *Appointment of the Board of Fire Engineers* – The Select Board shall appoint five qualified persons to serve for a term of one year as a Board of Fire Engineers in accordance with M.G.L. 48 § 45, Article 3, Section 2(d) of this Charter, and Millbury Municipal Code Title 2, Section 2.85.010. The Board of Engineers shall have the powers and duties authorized by statute, under this Charter, and Millbury Municipal Code Title 2 Sections 2.80 and 2.85

(b) *Power to Appoint*

(1) **Firefighters** – The Board of Fire Engineers shall, on an annual basis, appoint firefighters for a term of one year, from July 1st until June 30th of the subsequent calendar year. The board of engineers may appoint such firefighters to the engines, hose, ladder, rescue, or other apparatus and constitute such companies for securing property endangered by fire, as they deem expedient, in conformity with all applicable laws, bylaws, rules and regulations, as set forth in Millbury Municipal Code Title 2, Section 2.85.010.

(2) **Administrative Staff, Associate and Auxiliary Members** – The Board of Fire Engineers shall be the appointing authority for Associate, and Auxiliary staff including, but not limited to positions such as: Associate, Auxiliary, Explorer, or Junior Firefighters, Ladies Auxiliary Members, etc.

SECTION 3 – CHIEF OF POLICE

The position of Chief of Police is appointed under Massachusetts General Laws, Chapter 278 of the Acts of 2012, and Millbury Town Charter Article 3, Section 2(d), with additional duties, regulations, and responsibilities set forth in Millbury Town Code Title 2, Section 2.65.

(a) *Appointment of the Chief of Police* – The position of Chief of Police in the Town of Millbury shall be exempt from Chapter 31 of the General Laws and shall be appointed, by the Board of Selectmen, in accordance with this Charter [Massachusetts General Court, Chapter 278 of the Acts of 2012].

(b) Power to Appoint

(1) *Police Officers* – The Chief of Police shall be the appointing authority for the police officers of the police department in the Town of Millbury, subject to Chapter 31 of the General Laws, if applicable [Massachusetts General Court, Chapter 278 of the Acts of 2012]. The term police officers, as written in this Charter, shall be inclusive of all ranks of sworn officers in the department.

(2) *Administrative Staff* – The Chief of Police shall be the appointing authority for non-sworn administrative staff including, but not limited to positions such as: Administrative Assistants, Analysts, Clerks, Dispatchers, Interns, etc.

(c) *Rules, Regulations, & Operations* – The Chief of Police may adopt rules and regulations for the department, with notice to the town manager and the Board of Selectmen, and shall be in charge of the operations of the department [Massachusetts General Court, Chapter 278 of the Acts of 2012].

(d) *Administrative Oversight* – The Police Chief shall be subject to administrative oversight of the Town Manager and to general policy determinations of the Board of Selectmen and the by-laws of the town [Massachusetts General Court, Chapter 278 of the Acts of 2012; Millbury Municipal Code Title 2, Section 2.65]

- The Charter Review Committee, additionally, recommends that the Board of Selectmen/Select Board present an amendment to the Millbury Municipal Code to reflect these changes.

- **Rationale:** With the changes in state law since the previous review of the town charter, the Charter Review Committee recognized the need to account for positions appointed via a process established by state statute. This new Article 8 accounts for the recent changes and provides flexibility for future additions as needed.

Sixth Proposed Article: Updates to the Selection of the Planning Board

The Charter Review Committee proposes the following amendments to the Millbury Town Charter:

- Article 7 is amended as follows:
 - A new section, SECTION 7-12: EXISTING OFFICIALS, is added to follow Section 7-11, with the following text:

Elected and appointed town officials who hold office at the time of the adoption of this charter, or any amendment thereto, shall continue to serve until their term of office expires or until removed for cause.

- Section 3-1, (b) shall be amended to remove the words “planning board.”
- Article 3-7, (a), is amended as follows:

(a) *Composition, Term of Office* – There shall be a planning board consisting of five members appointed by the town manager for terms of five years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

- **Rationale:** As the Town of Millbury continues to grow, and with additional requirements regarding housing and development activities put in place by the commonwealth, it is critical that the Planning Board possesses the professional qualifications and/or demonstrates the proper demeanor and ability necessary to serve in such a role. Other towns in Central Massachusetts, including Auburn and Shrewsbury, have successfully transitioned to an appointed Planning Board, and it is the sense of the Charter Review Committee (after significant deliberation) that Millbury do the same.

Seventh Article: A Fix to Language Concerning Compensation

The Charter Review Committee proposes the following amendment to the Millbury Town Charter:

- Section 3-1, (e) is amended as follows:
 - (e) *Compensation* – Elected and appointed town officers shall receive such compensation for their services as may be appropriated, annually, for such purpose.
 - **Rationale:** While not every elected or appointed board or committee in the Town of Millbury are compensated, many are. This amendment aligns the charter with current practice, and ensures that those town officers in question are eligible for the compensation appropriated by town meeting.