

TOWN OF MILLBURY  
BOARD OF SELECTMEN MINUTES

**Zoom Meeting ID: 833 3845 5197**

RECEIVED  
TOWN CLERK

2022 APR -4 PM 2: 07

MILLBURY, MASS.

**February 22, 2022**

**6 PM**

**Present:** Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, David Delaney, Sean Hendricks

**Zoom:** msullivan3, Cody Mathieu, ipad, ipad, J, Claire Despres, FranDesimon

**6 PM Regular Session**

Pledge of Allegiance

**Citizens Speak**

Steve Stearns of 12 Thomas Hill Road requested the Board to get a legal determination from Town Counsel on whether 760 CMR 56.03 Subsection 7, a one year hiatus the Planning Board's decision to reject the Rice pond village project is applicable or not. Getting the opinion will help explain the bylaws.

Michael Montero of 35 High Street is having issues with the water pump and is pumping \$60 - 80,000 a day out of his yard. He has reached to various peoples and hasn't gotten anywhere. Sean stated that DPW Mgr told him that he had met with Michael to address the issue. Michael said they met once and the DPW Mgr was supposed to get back to him but never did. Sean replied that the water and the issue isn't town infrastructure therefore the Town can't help. Michael added that a third of his yard is destroyed due to water damage. Selectman Naff stated that we are trying to figure out whether the Town created the issue otherwise our ability to help is very limited. The board asked when did the issue start and Michael said during the summer. The water gets pumped out on High street.

Donna Dalton of 35 High Street asked how was it determined that its not a Town issue. Sean replied because we own drainage on public properties and not private properties. Donna stated that they had also called the DPW about a hole in the street with water under it and DPW just filled it and a sinkhole popped up between the sidewalk and her property and they just filled it again. Water is most likely coming up from under the ground. The property is worthless. Paul Stringham stated that he has visited the property and there is a kettle hole impression and we need an engineering solution. The water is trapped needs an easement into the town drainage or engineering solution. The board asked the DPW to meet with Paul Stringham. Sean stated the in the short term we can't dig currently but we can take a look. We can assess what we can and can't do because we don't know the issue yet. Selectman Despres asked Michael how long he has lived at his property and he replied 5 years. Selectman Despres added that he sees two issues, we need to clean the drain out at St. Charles and figure out how to get rid of the water and we need to look at the sinkholes. Selectman Naff stated that if it is determined to be a flaw in the Town infrastructure then we will fix it, but if it isn't then we will try our best to fix the issue.

Cody Mathieu of 11 Rice Road submitted questions. The first topic of discussion was Municipal Conduct, he requested the Board to implement some enforcement for violations of conduct. He additionally asked a question regarding the new zoning law and the MBTA housing, Millbury failed to comply then what is the dollar amount the municipality will lose as a result. Selectman

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Krumsiek stated that we just received a grant for it. Sean added we don't get any funding and only depend on grant therefore there is no dollar amount. Selectman Naff stated the concern is that if we don't comply then we can't apply for grants such as the Mass Works grant. Lastly he had questions about the zoning focus group. Sean addressed the questions, He started off by stating the it is not a formal group and they update the zoning bylaws. The 3 members are the building inspector, planning director and assistant planning director. They meet with the chair of the ZBA and the chair of the planning board. It's a staff level review and they aren't meetings. Currently we don't have a consultant and no public participation. There is public input later in the process. Selectman Naff stated that we used the same process for Grafton Road. It will be brought to Town Meeting eventually for vote and adoption. Cody added that there was a Barrett consulting or planning group mentioned in the past and Sean replied they aren't a part of the process currently. Selectman Naff said that group will get the smaller groups ideas on paper. Cody stated that he wants the whole process to be transparent and Sean said that it will be explained and brought out to the public before it gets implemented. Cody thanked everyone for answering his questions. Steven Stearns stated that part of their concern is that the time frame keeps changing and another thing that needs to be considered are a housing production plan and the Towns plan expired in 2019.

**Public Hearing**

**The Millbury Board of Selectmen will hold a Public Hearing on Tuesday February 22, 2022 at 6:00 p.m. at the Municipal Office Building, 127 Elm Street, Millbury, MA to act upon the application for a Change of Officers/Directors/LLC Managers on License 00038-RS-0712 for Rare Hospitality International, INC d/b/a "LongHorn Steakhouse" Located at 70 Worcester Providence Turnpike Millbury, MA 01527.**

Motion to open Public Hearing by Selectman Despres, 2<sup>nd</sup> by Selectman Delaney, on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman Naff, Selectman McKenna and Selectman Delaney. Motion carried unanimously.

The Town Clerk stated the ABCC received a packet from Longhorn.

Motion to close Public Hearing by Selectman Naff, 2<sup>nd</sup> by Selectman Despres, on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman Naff, Selectman McKenna and Selectman Delaney. Motion carried unanimously.

Motion to approve a Change of Officers/Directors/LLC Managers on License 00038-RS-0712 for Rare Hospitality International, INC d/b/a "LongHorn Steakhouse" Located at 70 Worcester Providence Turnpike Millbury, MA 01527. by Selectman Naff, 2<sup>nd</sup> by Selectman McKenna, on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman Naff, Selectman McKenna and Selectman Delaney. Motion carried unanimously.

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**Assumption School –Color Me Brilliant 5K -Saturday May 14, 2022**

Motion to approve The Assumption School 5k by Selectman Naff, 2<sup>nd</sup> by Selectman McKenna , on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman Naff, Selectman McKenna and Selectman Delaney. Motion carried unanimously.

**Citizens Speak**

Terry Burke Dotson of 20 Salo Terrace. Terry stated that Mr. VanCasa is supposed to wait a year and that decision is not final yet. Terry is supposed to be a part of the meetings. She asked if we have a group formed for the MBTA housing because otherwise we can lose a lot of funding and she would like to be a part of it. She suggested that we should have town owned apartments for Millbury residents.

**Discussion re: formulation and adoption of Municipal Code of Conduct**

Selectman Krumsiek wants to look at it again. Selectman Despres asked if we need to adopt it as a policy and how is it enforced. Sean stated that without a code of conduct bad behavior can't be kept track of but with one the employees can be held accountable. Sean said it will be adopted by the Board and the Board will be the enforcer. It is a good model and it can be tweaked.

**Discussion of local Small Business Assistance Grant program**

The Board wants to help small businesses overcome the financial issues. Selectman Naff created an application. Sean added the façade program is something the Laurie and Connor came up with. The small business grant program could be run separately. Sean asked the Board if a small business could use the grant program to get funds for the façade program. What are the allowed uses of the funds? Selectman Despres stated that it's supposed to help with recovery and that can be whatever the business wants. Selectman Naff stated that the interest is towards addressing needs to stay open and then we could consider other needs. We shouldn't define tight parameters. Bank staff will help out during the application process and the application will have a clause to address the use of money.

**Management Update**

Sean stated Town Counsel brought this to his attention and the Board needs to vote. 3 members of the school committee were served a class action 24 million law for unlawfully practicing medicine by putting a mask mandate and the lack of communication with the school committee. Mirick O'Connell asked for the consent of the Board to represent the two clients. There is an emergency meeting soon and Mirick O'Connell needs to present them.

Motion to allow Mirick O'Connell to represent the other two clients by Selectman Despres made a, 2<sup>nd</sup> by Selectman Naff, on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman Naff, Selectman McKenna and Selectman Delaney. Motion carried unanimously.

Sean stated that we finished the appraisals on the 5 outstanding parcels for McCracken Road and finalizing the Just Compensation Letters. They will be sent out before Thursday and wait thirty days. The Board will have a meeting for the Order of Taking on March 29<sup>th</sup> 2022. DOT is out to bid early April. Chapter 22 was updated again. Laurie is moving on to Northboro and Connor is going to be the Acting Planning Director. The new Town Website looks great and some things still need to be fixed. The official address is millburyma.gov. The next step is updating the email domain. Connor and

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Amanda did a great job. The budget is moving along. Sean and Jennifer will meet with the Finance Committee on Saturday and then in March. Hopefully everything is done by April 1<sup>st</sup> and then a copy of the warrant will be sent out to the residents. Sean will present the budget to the Board 2 weeks from tonight. We are still looking for an assistant town accountant and a DPW Director. The Board of Health rescinded the Town wide mask mandate. There is a mandate in municipal buildings. Sean plans to lift it in about a week. Shaw school is coming along. They are planning to have a public forum at the current Shaw school on April 30<sup>th</sup>. the Shaw building committee will present for the Board on April 12<sup>th</sup>. They are pretty much on schedule and are constantly working. Equipment and Furniture will come in July. Aside from the outside work, the school should be pretty much done inside for the first day of school. Selectman Despres asked what is going on with DPW and HR. Sean said the engineering job is attached to DPW. He has some plans for HR but they depend on the budget meeting with the Financial Committee.

**Review & Approve Previous Minutes**

Motion to approve the Minutes of January 11<sup>th</sup>, 2022 by Selectman Despres, 2<sup>nd</sup> by Selectman McKenna. Motion carried unanimously

**Dates to Remember**

Nomination Papers due back March 8<sup>th</sup>

Last day to register voters April 6<sup>th</sup> 2022 8am-8pm

Town Election at MHS gym April 26<sup>th</sup> 2022 7am-8pm

Annual Town Meeting MHS auditorium May 3<sup>rd</sup> 2022 7pm

**Roundtable Discussion and Citizens Feedback**

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

The police had a fishing derby and there are stores being rented in the center of town

**Mail**

Motion to accept donations from Millbury Savings Bank for Millbury Center Beautification Initiative by Selectman Despres, 2<sup>nd</sup> by Selectman McKenna and on roll call vote with Selectman Krumsiek, Selectman Despres, Selectman McKenna, Selectman Naff and Selectman Delaney in favor, the following vote was approved 5-0.

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**7:55 PM Adjourn Meeting**

Motion to adjourn the meeting by Selectman Despres, seconded by Selectman McKenna

Motion carried unanimously.

Respectfully submitted,

Amy Fleming, Secretary

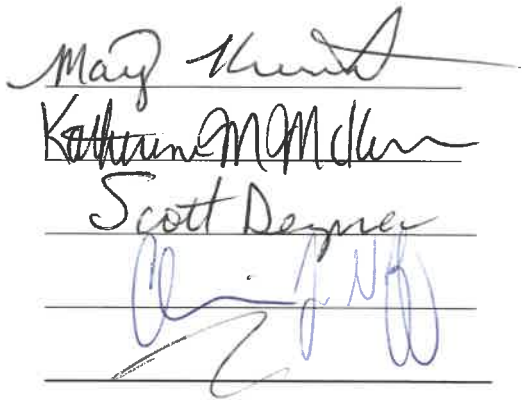
Mary Krumsiek

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.