

TOWN OF MILLBURY  
BOARD OF SELECTMEN MEETING MINUTES

October 25, 2022

6 PM

**Present:** Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, David Delaney, Steve Stearns, Terry Burke Dotson, Barry Bacon- Spicy Water Distillery, John O'Rourke, Jayne Divolvio

**Zoom:** Fran Desimone, ariordan, Jim Murphy, 9 Rice Rd, ipad, Linda Mayo, Cassie 4, Stephanie Collins, 11 Rice Rd, Brain Sorq, Cody M, Lisa

Pledge of Allegiance

**Citizen Speak**

Terry Burke Dotson of 20 Salo Terrace asked if the Planning Board can meet with the Board of Selectman to talk about the municipal parking lot. She also asked if the Senior Center will be open during the Chain of Lights with access to the bathroom. Terry mentioned the lace curtains and antique furniture in the Senior Center is being replaced, it doesn't look good. Sean stated that the furniture and curtains were old and not comfortable, new management made changes. She asked if this will happen to Asa Waters as well and Sean stated that the Senior Center is not an historic building therefore the two cannot be treated the same. Sean stated we have higher number of seniors coming in. Selectman Naff added that the Department Head and Management made this decision. Cody Mathieu 11 Rice Rd stated he had questions and comments. Millbury doesn't have a DHCD approved Housing production planning, the town needs to add affordable housing, is there any plan to make these changes. Sean replied that they are working with the CMRPC to get it created. The plan is getting started. Cody commented that creating cul de sacs at Rice Rd isn't safe. He also added that the handbook for 40B states that new buildings need to consider the height of the existing buildings, the buildings being proposed by the developer are higher than the approved height. Sean stated that there haven't been any further discussions about the cul de sacs. The 40B handbooks regulations were not mentioned in the developers agreements. We hope that he builds according to the CMR, the regulation states that surrounding structures will be taken into account but the Board cannot enforce anything onto the developer. Cody asked if the ZBA will take it into account, Sean stated yes. Cody also stated that there is no outside Legal Counsel reviewing the 40B project negotiations. Sean stated nothing is going to be approved without the involvement of Town Counsel. Cody stated that a rotary connecting Providence St and Rice Rd would be beneficial. Lisa of 5 Rice Rd stated that she shares the safety concerns about the project. Steve Stearns of 12 Thomas Hill Rd stated that the developer should work on agreements with the Railroad and National Grid before any official agreement is signed off on Rice Rd in order to insure that the discussed plans are followed through with. The Town should negotiate with the developer. McCracken Rd is an example of not negotiating with developers.

**Public Hearing**

The Millbury Board of Selectman will hold a Public Hearing on **Tuesday October 25, 2022, at 6:00 p.m.** at the Municipal Office Building, 127 Elm Street, Millbury MA to act upon the application an on-premises- 12, Farmer Series Pouring Permit, Category All Alcoholic Beverages, Class Annual, for Spicy Water Distillery located at 108 Elm Street Millbury, MA 01527.

Motion to open Public Hearing by Selectman Despres, seconded by Selectman McKenna.

Motion carried unanimously.

Barry Bacon, the owner of the distillery, stated that he is excited to open his business in Millbury. They plan to feature their spirits for a couple hours a week on Wednesdays-Sundays. It

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will not be a bar or serve food, it will be similar to the Penny Pinchers Brewery's operation. People can come in and enjoy locally created drinks, they can bring in food with them. His staff members are TIP Certified. Selectman Naff asked what kind of spirits will they distill. They will be offering Rum, Vodka, Gin and an Agave Spirit similar to Tequila. Over time they will create new flavors. Jayne added their application is all in order.

Motion to close the Public Hearing by Selectman Despres, seconded by Selectman McKenna. Motion carried unanimously.

Motion to accept the application for an on-premises- 12, Farmer Series Pouring Permit, Category All Alcoholic Beverages, Class Annual, for Spicy Water Distillery located at 108 Elm Street Millbury, MA by Selectman McKenna, seconded by Selectman Despres. Motion carried unanimously

**Good Energy -John O'Rourke**

John O'Rourke updated the Board on the community electricity aggregation. The aggregation was going to be updated in May. The winning bidder was Direct Energy and renewed for two years. The renewal rate was higher in May when they first met with the Town but has decreased since. The rate for National Grid is much higher. All the participants in the aggregation don't have to make any changes, if someone wants to switch to Good Energy, the link is on the Town of Millbury's website. The Millbury standard choice has 20% renewable energy from the state and the other option has 100% renewable energy.

**Senior Center -Laurie Keefe**

Laurie stated that open enrollment for Medicare is 10/15-12/7. A representative will come to the Senior Center on 11/1 to give a presentation about Medicare and will host one on one appointments as well. There have been a lot of applications for SNAP benefits, fuel assistance and the food pantry. Worcester Community Application Council and the Senior Center can help fill out the applications. Laurie attended the Massachusetts COA Conference. Josh is the new program administrator at the Senior Center. There are new activities for the Seniors. The Senior Center will be open during the Chain of Lights and have an ornament making craft. My Senior Center is a new database which replaced the paper files in order to check the Seniors in. There is a Halloween Party tomorrow at 10:30-11:30, lunch will be served at 12.

**Old Business**

**Authorize the Chair to execute a development agreement with SJV investment, LLC for the proposal M.G.L Ch. 40B Local Initiative Program project located at 17 Rice Road**

Chairman Krumsiek and Sean met with the developer. Sean stated that we wanted to ask the developer to wait the full one year period before going to the ZBA in order to develop a Housing Production Plan but due to delays in negotiation the Town will not have a plan in time. The developer will be waiting a full year. If the project was approved then affordable housing would be a part of the HPP which would allow us to deny new 40B projects. The developer will have to create an Intersection Improvement Plan in order to meet the conditions created by the Town. The plan would address widening, paving and signage at roads. Selectman Naff asked to add a timeline for the plan. The developer may request waivers from local requirements, there will be no waiver for fees. Selectman Despres asked about the changes in Section F and asked for the timeline. Sean stated that the developer will install sidewalks during the project. Chairman Krumsiek added that Rice Rd needed to be paved aside from the project. The final condition was the

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developer gives a gift of \$100,000 that will go towards Windle Field. Selectman Despres asked if everything in Section 1 will not be included in a non LIP project. Sean stated some parts of it, 40B lowers the requirements for developers. Sean said the agreement just illustrates that the Town has certain conditions they would like to have. Selectman Naff asked if and how we can use the gift amount towards the neighborhood being affected by the construction of the project. Sean stated yes we can. Selectman McKenna stated that this would allow us to have some sort of agreement with the developer if the Board approves the development agreement. Sean stated that with this agreement the developer will submit this with the project application which is beneficial for the Town. The LIP allows the developer to go to the ZBA early but he waited. Chairman Krumsiek asked if the changing of Rice Rd changes the project, Sean stated no. Her concern was the railroad, Sean stated that there is no reason to believe the State would make the Town pay.

Motion to authorize the Chair to execute a development agreement as amended and subject to final review by Town Counsel with SJV investment, LLC for the proposal M.G.L Ch. 40B Local Initiative Program project located at 17 Rice Road by Selectman McKenna, seconded by Selectman Despres. Motion carried unanimously

**New Business**

**Second reading of proposed Federal Grants Policy and Procedures**

There were no changes made to the original created policy

**FY2022 Finance Director recap (budget, OPEB, audit)**

Jennifer Barratt presented the recap. The expenses were budgeted well. The Library, Fuel, Snow and Ice budgets needed to be adjusted. FY22 closed with unexpected appropriation of \$1.2 million. There was an excess of \$900,00 revenue. The Free Cash total is \$3.5-\$3.6. There were 21 articles open from previous meetings, still in progress. There was one insurance claim. The school lunch account has a high balance. There were several local, state and federal grants. We will focus on managing grants. For FY23, we have just finished the first quarter. Selectman Naff asked what was the change in Cannabis, Jennifer stated it was around 35% but the new incoming dispensaries will bring it back up. Cash Investments had a couple changes, in the first quarter there was \$40,000 in interest. FY21 audit is all set and the FY22 audit is in process. The OPEB liability decreased this year. Majority of employees are not old enough for retirement. The tax rate will be less than projected at the past Town meeting. We will be putting together a short term and long term borrowing for the Shaw school and the FHQ.

**Approve the Special Town Meeting**

The warrant will be posted November 1st and will be mailed to the residents. Selectman Naff asked if can article 5 be removed.

Motion to approve Special Town Meeting warrant while removing article 5 by Selectman Naff, seconded by Selectman McKenna. Motion carried unanimously

**Discussion/action on Howe Ave/Millbury Ave intersection signage**

Sean stated that a company will cost us \$18,000 for a traffic study and solution. Selectman McKenna stated that there is probably a simpler solution such as stripping the road.

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Motion to stripe Millbury Ave so it continues into Howe Ave and we keep the yield sign so it goes from Upper Millbury to Lower Millbury by Selectmen McKenna, seconded by Selectman Naff, Selectman Despres abstained The Motion carried.

**Management Update**

The FHQ is being worked on. We have two openings Assistant Planner and Director of engineering and facilities. Conor shared the Open Space plan and sat with the DOT to talk about land. The Deputy will talk to the board about what she has been working on. The Wellness Committee will ensure that employees have everything they need to balance work and life. The lighted turn and walk signs should be fixed. Early Voting is taking place in Town Hall. Sean will supply the board with the updated ARPA spreadsheet. We have 6 applications left for the Small Business Grant. We can discuss reduced quorum before the Special Town Meeting.

**Review & Approve Previous Minutes**

Motion to approve the Minutes of September 27, 2022 by Selectman McKenna, 2<sup>nd</sup> by Selectman Naff. Motion carried unanimously.

**Dates to Remember**

- Early Voting
- Last day to Register 10/29
- Last day to vote 11/8
- MHS play 11/18,11/19,11/21
- Veterans day program 11/11 at the VFW
- Museum in Asa Water 10/22, 11/2, 11/10, 11/19
- Special Town Meeting 11/15
- Chamber of Commerce: Plants bulbs in the common 11/29
- 11/12 Mark Goretti day

**Roundtable Discussion and Citizens Feedback**

Terry Burke Dotson stated that Rice Rd isn't a good spot for the project. The Board stated that 40B will protect residents, the Planning Board made the decision to not be able to negotiation and now the Town in congruence with the state has to fix them.

Fran Desimone stated that the conditions read by the Town Manager were suitable for 46 units and the road needs to be widened.

Steve Stearns asked when will the project start, Sean stated it won't be until 2/14/2023

**On a Good Note**

Glad to have Selectman Delaney back and that he is feeling better

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**8:54 Adjourn Meeting**

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

Respectfully submitted,

Amy Fleming, Secretary

Mary Krumsiek

Katie McKenna

Scott Despres

Chris Naff

David Delaney



Handwritten signatures of the five individuals listed to the left, each written on a horizontal line. The signatures are: Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, and David Delaney.