

TOWN OF MILLBURY
BOARD OF SELECTMEN MEETING MINUTES

March 28, 2023

6 PM

Present: Mary Krumsiek, Katie McKenna, Scott Despres, Chris Naff, David Delaney, Atty Brian Falk, Jen Nietupski, Donald Desourcy, Bob Simmler and Steve Stearns

Zoom: Christian's Ipad, Paul, Brian Sora, ariordan, cmarden, Samsung galaxy, Mike Mann, Cheryl Simmler, Samsung Galaxy, Jen O'Connell, Paul

Citizens Speak

Fran Desimone of 1 Weldon Dr stated the some cutting in the budget should be done to help citizens in Millbury with their taxes.

Terenzio Volpicelli of Roselli, Clark & Associates: FY2022 Local financial statement audit and federal Single Audit

Terenzio Volpicelli presented the audit for the June 30 2022 financial statements. There were no internal deficiencies during the audit. The town ended FY22 with a deficit of 14 million due to capital projects. The general fund reports had a positive balance of \$11.5 million and non major funds reported a net surplus of \$4.2 million. The Town's S&P ratio was strong. The town faces future obligation to long term pension liabilities and OPEB costs, its the largest liability. Selectman Naff asked what are things to consider for pension and OPEB, Mr. Volpicelli stated plan design and changes will help significantly.

PH-Street Acceptance In accordance with the provisions of Chapter 41, Section 81-G and 81-I, Chapter 82, and Chapter 84 of the Massachusetts General Laws, the Millbury Board of Selectmen will hold a public meeting on March 28, 2022 at 6:00 p.m., in the Municipal Office Building, 127 Elm Street, Millbury, MA on the Selectmen's intent to lay out an extensions of Hilltop Drive as a public way. The extension of Hilltop Drive is situated south of the portion of Hilltop Drive that was accepted as a public way in March 2, 1957. Hilltop Drive is located in the northeasterly section of the Town of Millbury, MA as shown on the plan entitled "Road Acceptance Plan prepared for Stephanie J. Adams, Mark R. Sadowski, Hilltop Drive, Millbury, Massachusetts", prepared by Jarvis Land Survey, INC., dated July 1, 2018. **(Note: This item was previously addressed in the spring of 2022: due to a recording error on the part of the developer, the Town must engage in the entire acceptance process anew).**

Motion to open the public hearing by Selectman Despres, seconded by Selectman McKenna.

Motion carried

unanimously.

Sean stated that the Planning Board recommended that the road plan be approved, the layout is the same as before. The concerns brought up by the Bboard were addressed.

Motion to close the public hearing by Selectman Naff, seconded by Selectman Delaney. Motion carried unanimously

Motion to approve the layout for Hilltop Drive extension, situated south of the portion of Hilltop Drive that was accepted as a public way in March 2, 1957. Hilltop Drive is located in the northeasterly section of the Town of Millbury, MA as shown on the plan entitled "Road Acceptance Plan prepared for Stephanie J. Adams, Mark R. Sadowski, Hilltop Drive, Millbury, Massachusetts", prepared by Jarvis Land Survey, INC., dated July 1, 2018 by Selectman Despres,

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seconded by Selectman Naff. Motion carried unanimously.

Approval of additional FY 2023 WRRS COLA

Sean stated that the assessment if approved would start in FY26, it needs to be voted by the Board by the end of this fiscal year. There was a 3% base increase, and this is a 2% adjustment over the base.

The Board will revisit this item as Old Business at the next meeting.

Assumption School 5K

Selectman Despres read the following letter:

“Dear Board of Selectmen,

On behalf of Assumption School, I would like to formally request approval to organize a 5K fundraiser of Saturday May, 13th 2023 beginning at 10 am. The event is held annually to raise awareness for funding for Assumption School. A map of the proposed route has been included for you. Please do not hesitate to reach out with any questions or concerns you may have. Thank you for your consideration.

Motion to approve the Assumption School 5K by Selectman Despres, seconded by Selectman Delany. Motion carried unanimously.

Discussion on municipal lot improvements

Bob Simmler of 8 Grove St stated that the design of the parking lot is not good, the assessors map should not have been utilized. After discussion the Board stated that they have limited authority in this matter. Selectman Naff stated that the lot would allow more parking downtown. Conor McCormack, Town Planner, stated that the project is being worked on currently. The preliminary design for the lot has since been updated. Sean stated that the Planning Board has approved the plan for the lot.

PH-2 at 7PM–Violation Hearing Diamond Inn the Rough LLC-11 South Main Street

Motion to open the Public Hearing by Selectman Despres, seconded by Selectman Delaney.

Motion carried unanimously

Police Chief Brian Lewos stated that on Friday January 20th the MPD and Blackstone Drug Encounter Crime Task Force conducted an undercover operation at the Belfont Hotel, where an undercover officer was allegedly able to purchase cocaine. On January 21st, officers arrested the individual who sold it. The drugs are still being tested. Selectman Naff asked what led to the operation, Officer Lewos stated that citizens reported that suspicious activity was occurring. Undercover officers were approached by other patrons and offered cocaine.

Officer Sutherland, who was present during the operation, stated that they received anonymous tips and organized the operation. There were no cameras at the area where the sales were being conducted. The case was handed over to detectives for further investigation. The substance was being openly consumed and sold. Undercover officers were approached by other patrons and offered cocaine.

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Mark Webber, owner and manager stated that he had heard rumors about drug activity. He apologized to the Town. After the incident, he found out that people were spotting. The area has since been closed off. The other calls made about the establishment were related to non drug related issues. The business has been on the market, prior to the incident, and along with that many employees are suffering due to the closing of the business. Cameras will be installed in that area as well. Selectman Krumsiek stated that it had been going on for a while and that should have never happened, Mr. Webber stated that due to cutting employees it was difficult to keep track of everything. About 25-30 people are scratched off, which contributed to this issue. Selectman Naff stated that drug overdose is a rising issue in the US. The business has received the incident reports, the person arrested had calls related to him since 2021, he was still allowed in. Witnesses and the police stated that the drugs were being openly sold and distributed. The property had another violation related to alcohol consumption which was related to daylight savings time. Selectman Naff stated that the incident illustrates the facility is not under control of the management. Selectman Despres added that there is not enough staff to run the business. Selectman Krumsiek asked when the test will come back, Chief Lewos stated it will be a while. Brian Sora, 16 Jackie Dr, commented that Mr. Newman's actions were harmful but this is a responsibility issue. The blame should be taken by management, the accountability lies on the business owner.

Selectman Naff thanked the MPD for their work. He asked the counsel if there is a difference between revocation and cancellation. Attorney Falk stated there is no difference. The Board will vote whether there was a violation and what the discipline should be. Having the lab report would be stronger. The owner can appeal the Board's decision to the ABCC.

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

Moved and based on the report and the testimonies received at the hearing that the Board finds that the licensee violated Chapter 138 of general laws, the liquor license regulation of the board and the terms of Alcoholic Beverage license issued as followed:

1. The licensee failed to monitor restrooms and other non-public area of premises for signs of drug activity, in violation of section 1.11A1 of the liquor license regulations of the Board
2. The licensee failed to pay attention to known activity of drug users and drug dealers in violations of section 1.11A2 of the liquor license regulations of the Board
3. The licensee failed to ensure that supervision was exercised over the conduct of the licensed premises, respect to the incident January 20th and 21st, in violation of section 1.08A of the of the liquor license regulations of the Board
4. The licensee permitted illegal activity to take place on the licensed premises respect to the incident January 20th and 21st, in violation of 205 CMR 2.052 promulgated presuming to MGL Chp.1

Motion to move by Selectman Naff, seconded by Selectman McKenna. Motion carried unanimously.

Moved based upon the violations found by the Board and for the protection of the public, the Board orders that the license is revoked effective immediately, and the Town Manager and Town Counsel authorize and issue a written decision consistent with this vote

Motion to move by Selectman Naff, seconded by Selectman Delaney. Motion carried unanimously.

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Presentation/ discussion of FY2024 proposed operating budget

Sean stated the Finance Committee has given their suggestions on the budget. The Financial Model Summary illustrates what the differences are in this years and next year's budget. The school budget is 25,108,910, that number increased by 3.39%. Students will be attending BVT and Norfolk Aggie. The current tax rate is \$14.45, if the current budget is approved there will be an increase of 82 cents due to debt service. General obligation bond issuance in FY25 will help bring it down. New development causes the effect on tax rate. The board and Sean discussed department head raises and difference in Union pay. Sean stated that there are some new hires and some positions are being cut. Selectman Naff stated that the Board should make suggestions and recommendations before the budget is finalized by the Finance Committee. The Board should have some sort of say in the budget. Jen O'Connell stated that the changes in salary are focused around the whole budget and not about rewarding or not rewarding employees. There was room for efficiency and we had to push back on positions. If the FHQ and school project is taken out, then there is a 24 cent decrease in tax rate.

Vote to close the Annual Town Meeting Warrant

The Board discussed the Moratorium brought up at the Planning Board meeting. The Board discussed Article 19 for the Fire Departments retirement policy for full time and part time employees. The Board discussed Article 18, the senior workoff program and veterans will be added to it.

Motion to close the Annual Town Meeting Warrant by Selectman McKenna, seconded by Selectman Naff. Motion carried unanimously

Motion to approve the Annual Town meeting Warrant by Selectman McKenna, seconded by Selectman Naff. Motion carried unanimously.

Approve an ownership change for a Class I for United Ag & Turf NE LLC located at 97 Worc Prov Turnpike

Motion to approve an ownership change for a Class I for United Ag & Turf NE LLC located at 97 Worc Prov Turnpike by Selectman McKenna, seconded by Selectman Naff. Motion carried unanimously.

Management Update

Reappoint Susan Ainsleigh to the Millbury Dog Park Committee

Board and Committees appointments have been updated and they will be posted soon. Selectman Naff mentioned that the Historical commission should be more active and a couple residents may be interested in it.

Review & Approve Previous Minutes

Motion to approve the Minutes of January 24, 2023 by Selectman McKenna, 2nd by Selectman Delaney. Motion carried unanimously

Dates to Remember

-Pansies Sale by the Millbury Women's Club 3/31 11am-4pm at the VFW

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- Dollars for Scholars 4/1 7pm Shaw School Cafeteria
- Mama Mia at MHS 4/1 & 4/2 7pm
- Egg Hunt 4/1 at Asa Waters Mansion
- Truth about Baked Beans 4/12 7pm Asa Waters Mansion
- Ladies Night Out by the Millbury Women's Club 4/14 6pm VFW
- VFW Flag Retirement 4/16 5pm
- Electronics Recycling 4/22 St Nicholas Church Shrewsbury
- 4/14 Last day to register to vote
- 4/18 Last day to request mail ballot
- 4/25 Town Election MHS gym
- 5/2 Town Meeting MHS gym
- Spring Flee Market on 5/6 Millbury First Congregational Church
- 5/21 Food Truck Festival MHS
- The Singing Trooper on 6/9 by the Millbury Women's Club
- Newport Flower Show 6/24 by Millbury Senior Center

Roundtable Discussion and Citizens Feedback

Fran Desimone, 1 Weldon Dr., thanked Selectman Despres for his efforts for the Moratorium.

Mail

Motion to approve donation from an agreement w/ National Grid & The Conservation Commission to be deposited into the Tree Warden's Gift account by Selectman Despres, seconded by McKenna. Motion carried unanimously.

Motion to approve donation from Cindy Cardone and Linda Amy for the care of Mikah by Selectman Despres, seconded by Selectman McKenna. Motion carried unanimously.

10:10 PM Adjourn Meeting

Motion to adjourn meeting by Selectman Naff and seconded by Selectman Delaney. Motion carried unanimously.

Respectfully submitted,

Amy Fleming, Secretary

Mary Krumsiek

Katie McKenna

Scott Despres

Chris Naff

