

REGULAR SESSION MEETING MINUTES
Monday, June 21st, 2021
SELECT BOARD
Veterans Memorial Building Room 229
900 Main Street, Millis, MA 02054

CALL TO ORDER: Sel. Jurmain called the meeting to order at 7:00 pm. The following persons were present: Sel. Peter Jurmain, Sel. Erin Underhill (remotely), Sel. Craig Schultze, Town Administrator Michael Guzinski, Select Office Clerk Maureen Canasi, and Intern Samuel Hockenbury.

ANNOUNCEMENTS

Robert Weiss the Town's Energy Manager and Planner gave an announcement about the Special Select Board meeting to take place the following week on June 28th at 7pm. The Urban Land Institute of Boston/New England would be performing a Town Center redevelopment study, and at the meeting they would present initial findings and request feedback from the board and community.

PUBLIC HEARINGS & APPOINTMENTS

21-168 Appointment of Public Health Nurse

Board of Health Director John McVeigh asked the board to appoint Sarah Ward to the open position of Public Health Nurse. Mr. McVeigh commented on the importance of nurses if the past year was any proof of that. The board expressed they were impressed with Ms. Ward's credentials.

Sel. Schultze made a motion to appoint Sarah Ward the Public Health Nurse. The motion was seconded by Sel. Underhill and passed unanimously.

21-169 Appointment of DPW/HEO Laborer

The DPW Director Jim McKay asked the board to approve the appointment of Tyler Weinacker to DPW Heavy Equipment Operator.

Sel. Schultze made a motion to appoint Tyler Weinacker to the DPW/HEO laborer position pending a physical. The motion was seconded by Sel. Underhill and passed unanimously.

21-170 Appointment of Summer Seasonal DPW Worker

The DPW Director Jim McKay asked the board to approve Colin Christie a rising senior at Millis High School to fill the Third and final Summer Seasonal employee position, effective June 22nd. Mr. Guzinski recommended the ratification of the appointment of Mr. Christie.

Sel. Underhill made a motion to appoint Colin Christie to the DPW Summer Seasonal position. Sel. Schultze seconded the motion and it passed unanimously.

21-171 Appointment of Full-Time firefighter/Paramedic

Chief Barret requested the board appoint Christopher Emswiler to be a full time firefighter/paramedic. Mr. Emswiler is currently serving as a temporary to fill in for Gerry Howley who was on medical leave. But with Mr. Howley's retirement the Chief would like to move Mr. Emswiler from temporary to permanent. Mr. Guzinski added his support for the appointment.

Sel. Underhill made a motion to appoint Christopher Emswiler to be a full-time firefighter/paramedic provided he receives certification as a Firefighter I/II level by the fire academy in his first year of

employment, the appointment would also be effective July 1st 2021. The motion was seconded by Sel. Schultze and passed unanimously.

21-172 Appointment of Conservation Committee Member Brian Hoell

The appointment was passed over and pushed to a later date

21-173 Discuss/Approve Remote Participation Policy

Sel. Chair Jurmain spoke about where the policy currently stands and the changing rules surrounding the Open Meeting Law as approved by the legislature the previous week. The pandemic inspired allowances for fully remote meetings was extended to April 1st of 2022. The Chair then asked for comments from the board and public to what they felt were good policies to draft up and work on during the intervening period between the meeting and the April 1st date. This would allow for an ongoing discussion to develop a policy that suits the requirements of the law, but also Millis' needs. Sel. Underhill expressed her gratefulness to be able to join remotely, and thinks that should continue to be an option available to people, but possibly also the public. Sel. Schultze concurred. Scott Fuzy a member of the public expressed how nice it was to be back in person but the zoom meetings were highly accessible and easy to use. Sel. Jurmain thanked those who spoke and again asked the public to provide feedback as this would be a developing policy discussion.

No further action was taken.

The Following OPEN SESSION AGENDA Items were taken OUT OF ORDER:

21-179 Approval of Statement of Interest Letter to MSBA Regarding MS/HS Renovation

Terry Wiggen the Business Manager for the School department approached the board and asked for them to approve the motion he presented as written to send a statement of interest to the MSBA. Mr. Wiggen expressed this was the starting point of a long process, would not require the town or the MSBA to commit money in any immediate future, simply to get on the radar that the town is interested in exploring a renovation of the Middle/High School. The Board commented on how they discussed this at the Meeting on the 7th and so they had no questions.

Mr. Schultze moved:

Resolved: Having convened in an open meeting on June 21st 2021, prior to the SOI submission closing date, the Board of Selectmen of Town of Millis, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Town Administrator to submit to the Massachusetts School Building Authority the Statement of Interest Form dated May 26th , 2021 for the Millis Middle High School located at 245 Plain Street, Millis, Massachusetts, 02054 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future which include 2. Elimination of existing severe overcrowding.; 4. Prevention of severe overcrowding expected to result from increased enrollments; 5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility and; 7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other

funding commitment from the Massachusetts School Building Authority, or commits the Millis School District to filing an application for funding with the Massachusetts School Building Authority.

The motion was Seconded by Ms. Underhill and was approved unanimously.

21-178 Review/Approval of Building Fees Waiver for St. Thomas Church

Sel. Underhill made a motion to waive the \$900 building fee for St. Thomas to repair their roof. Sel. Schultze seconded the motion and was approved unanimously.

21-177 Review/Approval of Tangerini's Farm Request to License Town Land for Farming

A request was made by the Chiarizio's to farm on town owned open space land known as the Dewey and Cassidy properties. The land is mostly under the authority of the conservation committee, and the board was advised by Mr. Guzinski to approve the license contingent upon conservation committee approval. It was also addressed that a license can be revoked at any time, it is not a lease. The land is also designated as open space for passive recreation and farming. It would therefore be unlikely that another option or plan for the land would develop. Cathy MacInnes was then recognized to speak from the floor. She requested the board approve with conditions upon the land particularly that no generators be within 100 feet of the property lines, and that all pesticides be bird and bee friendly to accommodate abutting aviaries and apiaries. Mr. Guzinski responded he would seek guidance from council if the license could have such restrictions placed upon it.

The issue was continued by the Chair to July 19th to allow for information from council and for the conservation committee to take its actions.

Returned to Scheduled Business on time:

21-174 Sewer Moratorium recommendation discussion

The chair opened the discussion by expressing an interest on hearing from the members of the Board, Mr. Guzinski, and the public for their thoughts on the moratorium and sewer policy generally. Sel. Underhill opened the dialogue by expressing her concern of announcing a moratorium that the Board as the Water and Sewer Commissioners would not need to actually adhere to if they chose not to. She expressed her trust in her colleagues on the Board and trusted they could reasonably march on making decisions as the situation evolves and a more formal policy is created. Sel. Schultze asked what number the town must pay attention to, the projected or actual flow rates. Sel. Jurmain informed the group that both numbers must be observed. However, given clear lines of communications with the Charles River Pollution Control District (CRPCD) Millis could exceed the projected a little more than the current 102% level, if only because the actual flow is 64% of capacity. As the projects in the projection hook up the actual would rise, but the projection which is hyper inflated on a per bedroom rate would come down. And for comparison Millis will look more like Franklin with 82% projection and 78% actual, versus the situation in Medway of 116% projected and 98% actual. Sel. Schultze then commented, that the imbalance is therefore the real problem Millis is facing, and addressing the imbalance between the two numbers is the solution. To do so the town needs to get the lots and projects that are in the projection to hook up to the sewer and start actually discharging, and that would likely help bring the balance, and that is the fundamental problem. The secondary problem is once the dust settles how does the town use the remaining capacity, and how do we prioritize who gets access.

The chair then opened the discussion to the members of the public present to provide their comments on the discussion. First to speak was Richard Nichols the Chair of the Planning Board. Mr. Nichols emphasized the growth Millis is experiencing and the cyclical nature of the business and development, and right now the iron is hot and the town should not stand in the way of that and cool the situation prematurely. Not only is residential growth occurring but industrial and a moratorium would make Millis lose opportunities to other communities who appear more friendly. Mr. Nichols also mentioned that the desire for more affordable housing is admirable but 40B is not a good solution for Millis to increase its affordable housing stock to adequate levels. Millis needs a genuine policy to deal with the sewer output. Mr. Nichols also remarked on Millis being very wet, and how some alternatives like a package plan which requires certain soils would not be conducive to all lots. He concluded with hoping the town will not suffer from paralysis from analysis but did agree more needs to be learned for a fair policy to be created.

DPW Director Jim McKay was next to address the Board. He highlighted the list of major projects in town that have been granted a right to hook up and are in the sewer projections but are still in a building process. This leads to the high projected flow value with the low actual flow. Some hookups might have happened sooner had it not been for the pandemic, and so hopefully more will be happening in the near future. Mr. McKay pointed out that as long as the CRPCD continues to sign permits then the town should be okay. The issue is if the town provides approvals but the CRPCD does not permit it. A solution Mr. McKay offered was to replicate Medway and other towns which charge developers four gallons for I&I for every gallon the developer asks for in sewer hookups.

Sel. Jurmain then made a remark that he would like to see a policy developed in time to be on the warrant for the Fall town Meeting.

Cathy McInnis then stepped up to the microphone. She challenged the Board to tackle the issue head on. She argued that I&I only effects rate payers whom she considers already overburdened. She also made a call to all who have the betterment rights but are not currently hooked up to start helping paying into the system, as they are not paying for their projected flow, but the other people on the sewer are paying for that projected flow. She also challenged the Conservation commission to step up against the over development of town as not all the land in town is suitable for building.

Sel Jurmain charged the Enterprise Funds Advisory Committee to start working on developing some policies and options along these discussion line for the Board to take up and later present to a Town Meeting.

Then Alan Handel spoke to the Board. He expressed support for a moratorium to be in place while this policy was being developed. He feels that the situation needs to settle down and continuing to barrel forward could come at the long term expense. Sel. Jurmain expressed his concerns that echoed Mr. Nichols comments that a moratorium has negative unintended consequences. Mr. Handel then asked if betterment fees were transferable or surrender-able. Sel. Jurmain said that would be a question best answered by counsel.

Dan Merrikan was the next to speak. He claimed he read the agreement between Millis and the Charles River Pollution Control District and that the term "projected flow" is never mentioned. He thinks that a lawyer could make a compelling case that the CRPCD cannot fine the town for projected flows being over 100% of capacity but only if the average daily flow does so. He sees no imminent problem. Therefore a moratorium would be an overreaction. Mr. Merrikan also asked for updated data on the

projected versus actual flow because the data was from January of 2020 and we are entering July of 2021.

Samuel Hockenbury, Intern for Mr. Guzinski was the last to speak. He suggested that the policy should be based on percentage of flow left, and triage projects, and leave higher priority or types of building for when actual flow approaches 100% and cut off other kinds of projects at lower thresholds.

Sel. Jurmain continued the discussion to resume for the Meeting on July 19th.

21-175 Sewer Connection Request 1178 Main St

Dan Merrikan approached the microphone and spoke on behalf of his Client Mark Howe who was present. Dan informed the board that Mr. Howe has not purchased the land in question yet, but if he cannot be given the right to connect to the sewer then he knows to move on. Dan then added his understanding is because the property is fronted by an existing sewer line the property owner has a legal right to connect. At least that is what former administrator Charles Aspinwall told him all the time. In regards to this comment Sel. Jurmain asked Mr. Guzinski to refer this to counsel. The other members of the board felt this was an important issue to settle before making a decision.

The Chair continued the discussion to be added to the special meeting to be held on June 28th.

21-176 Discuss Sewer Connection Request – Acorn Place Condos II

Mr. Merrikan presented on behalf of his client who was not present in the meeting. Mr. Merrikan informed the board that the original acorn place project is an over 55 community with two bedrooms per unit. This information is relevant for Title 5 water and sewer calculation flows, because in this case units under these conditions are measured as 75 gallons per bedroom and not the 110 gallon calculations initially planned for. This new calculation would allow for the developer to add 16 more units without impacting the sewer flow issue, and would stay within the parameters of what was already approved.

Mr. McKay was asked to confirm this, and he replied that the developer did not put in a water meter despite being asked to because of the cost, and without a meter it would not be possible to confirm the water flow from Acorn Place. Mr. Merrikan refuted hearing of a request to put in a meter, but Mr. McKay dismissed the refutation. It was suggested then, by the board for Mr. Merrikan to ask the developer to install a meter, and then the issue could be revisited in the near but not immediate future.

Sel. Schultze asked if the application for the original project use approval of units or of sewer flow. Mr. Merrikan replied both were listed in the original project application. Sel. Schultze commented his hesitancy over the incremental approach and adding an additional project behind the first one. Sel. Underhill agreed and added if Acorn place is coming in under it's projected flow rate why should they add more to the acorn place project and not use the new flow capacity on some other project in another part of town.

Sel. Jurmain asked if a decision needed the same level of speed for decision making as the previous topic (1178 Main), and Mr. Merrikan replied that the Acorn Place request is not as pressing and could wait.

The Board moved to continue the discussion to the regularly scheduled meeting in August.

Return to open session:

21-180 Approval Of Letters to State Representatives and DEP Regarding PFAS

Sel. Jurmain asked the Board if they felt the letters were improved by splitting into two letters, per the request made at the last meeting. Sel. Schultze responded with they read better to him and he thinks the two letters was the better approach.

Sel. Schultze made a motion to submit the letters as written. Sel. Underhill seconded the motion and it was passed unanimously.

21-181 Review/Approval of Stormwater Credit Application Response Letters

Sel. Jurmain briefly reviewed the purpose of the letters and how they referred to decisions of the previous board last fall as to if the applicants could receive an abatement for their stormwater enterprise fee. These letters were originally drafted by former Sel. McCaffrey and have finally made their way to a final form. Sel. Jurmain then asked if the Board had any revisions to make. No revisions were offered.

Sel. Schultze moved to accept the letters as written. Sel Underhill seconded the motion and it was passed unanimously.

Sel. Jurmain then asked if the board would be willing to meet and discuss changing the policy around stormwater credits at some future meeting, possibly in the early fall. Both Sel. Schultze and Underhill expressed an interest in doing so. Both wanted time to do more research, and Sel. Schultze expressed his primary reservation is a new policy does not shift the burden of expense onto other payers but rather lessens the overall burden to the town for mitigation efforts.

21-182 Authorize Town Administrator to Sign Purchase & Sale – Braun Property/Village Street

Mr. Guzinski presented an updated purchase and sale document with highlighted changes from counsel. Mr. Guzinski informed the board that the document was essentially the same as before, with one small change in language.

Sel. Schultze made a motion that the Town Administrator sign and approve the Purchase and Sale agreement as amended. Sel. Underhill seconded and the motion passed unanimously.

21-183 Board/Committee Liaison Update

Sel. Jurmain offered he would entertain a motion that the Select Board members vote that all liaison positions they hold on committees be non-voting effectively making them ex-officio members. This would prevent members from feeling that they have to vote on an issue twice, or feel that they are voting on behalf of the other members of the board.

Sel. Schultze made a motion that all liaison positions be made ex-officio. Sel. Underhill seconded and the motion passed unanimously.

Sel. Schultze then informed the board that the Elementary School Building committee is wrapping up and the project was well under budget. And the board collectively acknowledged the hard work of Mr. Klocko and how such a feat is typical of projects under his guidance.

Sel. Underhill discussed her attendance of the enterprise funds advisory committee and felt highly informed by them, and expects to learn a lot from the group. She also watched but did not attend the school committee meeting. The Middle/High School is unlikely to wear masks next fall, but the

Elementary School the situation remains uncertain. The school through grant funding would also be looking to maintain offering free meals to some students.

Sel. Jurmain wrapped up the session by discussing the Energy Committee and their efforts to find ways to improve homeownership energy management and consumption. He also reported attending the Charles River Pollution Control District meeting and how his understanding is they CRPCD wants to be a partner with the town and open lines of communication is key with them. Sel. Jurmain then informed the board he would not be able to attend the next meeting on July 20th, and asked if the board would be okay with Intern Sam Hockenbury stepping in to represent Millis at the meeting. The Board held no objections, and Mr. Guzinski enthusiastically agreed it would be a good experience for Mr. Hockenbury.

21-184 Set Meeting Date for Stormwater Management Policy Discussion – July 12

Per the discussion that occurred in section 21-181, the board agreed not to meet on the 12th but rather to address the issue sometime in early to mid-September.

ENTER EXECUTIVE SESSION: 9:35 PM

Sel. Underhill made a motion to enter Executive Session for the following reasons:

- **To discuss the purchase of 61A Village St parcel.**
- **To review and discussion negotiations with Firemen Union personnel contract.**
- **To conduct strategy session in preparation for negotiation with Union Personnel relating to a grievance from the SEIU the motion was seconded by Sel. Shultze**

By Roll Call Vote: Sel. Jurmain—aye, Sel. Underhill—aye, Sel. Shultze-aye

ADJURMENT:

Sel. Shultze moved to end the open session meeting at 10:10 pm. The motion was seconded by Sel. Underhill and was passed unanimously.

Respectfully submitted: Samuel Hockenbury