

Select Board Meeting 8/17/20

6:34 pm Sel. McCaffrey called to order.

The following persons were present Sel. McCaffrey, Sel. Jurmain, Sel. Underhill, Town Administrator Micke Guzinski, Operations Manager Karen Bouret.

Announcements

Jim McCaffery mentioned a letter containing concerns about the Police Reform Bill legislation was sent to the Governor, Senator Rausch, and Reps Dooley and Linsky today.

20-167 Approval of Non-Exclusive Right of Way & Utility Easement at 0 Walnut Street

Jim McKay, DPW Director, said the property owner kept one parcel of land at 0 Walnut Street and deeded the rest of the property as an easement for access to the water tower and to add a generator.

Sel. McCaffrey made a motion to accept the easement agreement with respect to the right of way at 0 Walnut Street as presented. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-164 Approval of Veterans Parking Spot at Veterans Memorial Building

John Moore, Director of Veterans Services, asked the Board to approve a designated parking spot at the Veterans Memorial Building.

Sel. Underhill made a motion to approve the designation of one parking spot for use by military veterans at the Veterans Memorial Building and to approve a second request to increase the amount of the veterans' local property tax work-off program from \$1000.00 to \$1500.00. The motion was seconded by Sel. McCaffrey. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Mr. Guzinski said he will research the proper procedure for increasing the amount for the work-off program as it may need Town Meeting approval.

20-165 Approval of Federal Grants Management Policies

Finance Director Carol Johnston asked to Board to approve Federal Grants Management Policies.

Sel. Jurmain made a motion that the Board adopts the Federal Grants Management policy presented by the Finance Director. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. McCaffrey asked the Finance Director to send the policy to the school to review and said if there are any questions or concerns on their behalf that they can be discussed at a Tri Board meeting.

20-166 Purchase of Third-Party Energy Supply

Robert Weiss, Energy Manager, said bids for both gas and electric suppliers were received today. Mr. Guzinski said with utility contracts the Town can go beyond the typical three-year limit for contracts.

Sel. Jurmain Made a motion to approve the recommendation of the Town Administrator and Energy Manager to approve a 48-month agreement with Constellation Energy and for the Town Administrator to execute that agreement. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board and the motion passed unanimously.

Sel. Jurmain made a motion to approve the recommendation of the Town Administrator and Energy Manager for the 36-month agreement with Direct Energy and for the Town Administrator to execute that agreement. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-162 Jasper Hill License Hearing

Sel. McCaffrey made a motion at 7:05 pm to open a hearing a regarding the status of the entertainment, common victualler, and all alcohol licenses held by Jasper Hill. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Brian Winner, town counsel, explained the nature of the hearing. Mr. Winner said there are three separate licenses held by Jasper Hill, an entertainment license, a common victualler license, and an all-alcohol license. Mr. Winner reviewed various exhibits and said the owners, Denise and John Tracy, have been offered four opportunities within 53 days to respond to inquiries by the Town including notice of this hearing. Sel. McCaffrey asked if anyone attended the meeting to speak on behalf of Jasper Hill, and no one responded.

Sel. Made a motion to close the hearing relating to the three licenses held by Jasper Hill. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. McCaffrey made a motion to approve the first finding of fact as follows:

The credible testimony and evidence before the Board convincingly demonstrates that Jasper Hill has failed to maintain and operate its establishment in a manner that serves the “public good” as set forth in G. L. C. 140 section 2 by (1) failing to maintain a valid liquor liability insurance and/or workers compensation insurance; and (2) by shuttering the business without notice. Revocation of its Common Victualler license is, therefore, warranted. The motion was seconded by Sel. Jurmain. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. McCaffrey made a motion to approve the second finding of fact as follows:

The weight of the testimony and evidence before the Board convincingly demonstrates that Jasper Hill has failed to maintain and operate its establishment in a manner that does not

“adversely affect the public health, safety or order”, as set forth in G. L. Chapter 140 section 183A by (1) failing to maintain a valid liquor liability insurance and/or workers compensation insurance; and (2) by shuttering the business without notice. Revocation of the Entertainment License is, therefore, warranted. The motion was seconded by Sel. Jurmain. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. McCaffrey made a motion that the credible testimony and evidence before the Board convincingly demonstrates “good cause” to revoke the liquor license, as set forth in G.L. C. 138 and including, but not limited to : G.L. C. 138 sections 12 and 64A and 204 CMR 2.00 team Sel., in that Jasper Hill has failed to maintain a valid liquor liability insurance and/or worker’s compensation insurance and has shuttered the business without notice, and all of which are violations of law, in particular G.L. C. 138 section 77. Revocation of its liquor license is, therefore, warranted. Sel. Underhill seconded the motion. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. McCaffrey made a motion to revoke and cancel Liquor License No. 04285-RS-076, Common Victualler License No. 448, and Entertainment License No. 447, effective five (5) days from the date of the Board’s written notice. The motion was seconded by Sel. Jurmain. Sel. McCaffrey polled the Board and the motion passed unanimously.

Sel. McCaffrey made a motion for the Vice Chair to sign and execute the letter on behalf of the Board. The motion was seconded by Sel. Jurmain. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-163 Water/Sewer/Stormwater Hearing

Sel. McCaffrey made a motion, acting as the Water/Sewer Commissioners, opens the hearing for the FY21 Water/Sewer/Stormwater rates. The motion was seconded by Sel. Jurmain. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Mike Schrader of Tighe and Bond shared a PowerPoint presentation which reviewed rate setting principles and goals, methodology, usage evaluation, rates and customer costs and affordability. (See attached). Discussion about revenue projections and customer growth ensued.

Sel. Underhill made a motion that the Board, acting as Water/Sewer Commissioners, closes the hearing at 8:30 pm. Sel. Jurmain seconded the motion. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. Jurmain made a motion to approve a rate increase of 0% for both the water and sewer rates for FY21. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Mr. McKay said stormwater rates were adopted for three years so no vote is needed.

20-168 DPW Building Permit Waiver

Wayne Klocko, Permanent Building Committee Chair, asked the Board to waive the building permit fees as related to the DPW building project but not the inspection fees as the Town usually does for Town projects. Mr. Giampietro said it should be noted in the bid that the fees will be waived.

Sel. Jurmain made a motion to waive the building permit fees for the DPW Building project, but not the inspection fees, and it should be so noted in the bid application. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-169 Approval of Revised Proposal for Water System Risk and Resilience Assessment

Mr. McKay said his opinion is that the Board should move forward with the contract as amended to remove the cyber security portion and has concerns that if the contract is not approved at this meeting that the EPA June deadline may not be met. Kirsten Ryan of Kleinfelder spoke to that and said they have removed about \$15,000 of the original proposed fee. Ms. Ryan said the original contract relates to environmental/natural disaster threats to the water system, malevolent acts, and cyber security threats. Sel. Jurmain noted that the Board understands the time frame and following a discussion with Kirsten Ryan last week they will make sure whatever firm is hired for the cyber security assessment they will be asked to review the water system first.

Sel. Underhill made a motion to approve the Proposal for the Water System Risk & Resilience Assessment for \$23,000.00 as amended and for the Town Administrator to execute the proposal on the Board's behalf. The motion was seconded by Sel. Jurmain. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-170 Asset Management Phase III

Betsy Frederick of Kleinfelder asked the Board for approval to continue the work they are currently doing with the DPW Director and staff and to support the submittal of the grant application for work which will assist the Town with water, stormwater, and sewer infrastructure planning efforts by incorporating data into decision making. Ms. Frederick said the Town is eligible to reapply for funding for Phase III. (See Scope of Work for Asset Management Plan Phase 3)

Sel. McCaffrey made a motion that the Board indicates its support for Asset Management Phase III with Kleinfelder. The motion was seconded by Sel. Jurmain. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-171 Appointment of Temporary Building Department Assistant I

Sel. Jurmain made a motion to approve the Town Administrator's appointment of Steven Bianchi as Temporary Building Department Assistant I. The motion was seconded by Sel. Underhill. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-172 Approval of Water/Sewer Extensions at Lot 22 Orchard Street

Mike Giampietro, speaking on his own personal behalf, asked the Board to approve water and sewer extensions to lot 22 Orchard Street and for approval to cut the road asphalt to do so and then to fill it with flowable fill and reinstall the binder. Mike explained that originally the lot was considered “non-buildable” because septic could not be installed but now that water and sewer are available is it now “buildable”.

Sel. Underhill made a motion to approve the request by Michael Giampietro to cut the road asphalt to bring sewer and water to the property and then fill it with flowable fill and reinstall binder at lot 22 Orchard Street. The motion was seconded by Sel. McCaffrey. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-173 Initial Review: The Gateway at Millis - 232-248 Main Street Proposed LIP

Dan Merrikin of Legacy Engineering reviewed a site plan and conceptual design for a 48 rental unit, with 12 units being “affordable”, residential project. Mr. Merrikin said the project would help Millis advance its affordable housing production. The conceptual design shows egress from Dwight Street and Larch Road only, with no direct access to Rte. 109 but that is the “initial” design. Mr. Merrikin noted that the applicant is ready to move forward and would like to get support to do so from the Board.

Robert Weiss, Economic Development Director, expressed concerns citing the remote location from family support amenities and said he does not feel the Select Board should support this development. Dean Harrison, developer, said while he recognizes this isn’t necessarily a residential development area the Town needs affordable housing. Mr. Merrikin said it would be ideal to put a project like this downtown, but the land is not often available.

Jim McKay said the Board should consider the current lack of sewer capacity and noted there is another development proposed on the same sewer line, and the proposed assisted living facility on Dover Road will still be moving forward. A discussion about sewer capacity ensued. After more discussion Sel. McCaffrey would like to generate some questions and meet again on this issue either August 31 or September 14.

20-174 Vote to Confirm Compliance of 617 Therapeutic for Marijuana Cultivator License

Mr. Guzinski explained that the Board is being asked to certify that the applicant’s business is in compliance with all relevant Town bylaws and ordinances.

Sel. McCaffrey made a motion that the Board certifies that applicant the 617 Therapeutic is in compliance with Town bylaws and ordinances and authorizes the Town Administrator to sign and execute the documents on the Board’s behalf. Sel. Underhill seconded the motion. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

20-175 Veterans Memorial Building Gymnasium Floor Replacement

Moved to 8/31/20 Meeting.

20-176 Approval of Water/Sewer Commitment- July 20

Sel. Jurmain made a motion to approve the Water/Sewer commitment to the collector for July 20 in the amount of \$4,581.90. Sel. Underhill seconded this motion. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Sel. McCaffrey made a motion to enter Executive Session at 10:25pm to discuss the consideration of the purchase, exchange, lease, or value of real estate (61A parcel 5C Ridge Street and 61A Parcel 326 Orchard Street) and to discuss strategy with respect to litigation (Coviello/Streetlights) only emerging to adjourn. Sel. Underhill seconded the motion. Sel. McCaffery polled the Board, McCaffery – yay, Jurmain – yay, Underhill – yay. The motion passed unanimously.

Respectfully submitted by Victoria Schindler