

**TOWN OF MILLVILLE**  
**BOARD OF SELECTMEN**  
**MINUTES OF MEETING**  
**MAY 4, 2015 – 7:00 P.M.**

**Board Members Present:** Chairman Roland Barrett; Vice Chairman Joseph Rapoza; Secretary Jennifer Dean Wing; Member Robert Baker; and Member John Laura

**Others Present:** Executive Secretary Helen Coffin

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Chairman Barrett opens the meeting at 7:00 p.m. with the Pledge of Allegiance along with a moment of silence on the recent passing of Laure Berthelette, former Town Clerk and active community member.

**ANNOUNCEMENTS**

Finance Committee Public Hearing for Special and Annual Town Meetings is Wednesday at 7:00 p.m.

Special and Annual Town Meetings are Monday, May 11<sup>th</sup> at the Millville Elementary School beginning at 6:30 p.m.

Town currently has job openings for part-time Building Inspector and Assistant Animal Control Officer. Contact the Town Hall business office for application packets, or print one from the Town's website.

Happy Mother's Day to all the Moms on Sunday.

**SPECIAL GUESTS**

Paul McKenzie of CMGeeks, Inc. introduces himself to the Board. CMGeeks, Inc. was awarded the contract for IT services for the next fiscal year. Mr. McKenzie advises he submitted a proposal along with other companies for IT services. He also serves the Town of Hubbardston and many police departments and small business groups. They do business casually and try to build long-term relationships with high quality services using a fixed fee. He has been in business since 2007 and has been in the IT business since 1987. He feels Millville is typical of other small towns. There are 3 employees who try to answer calls right away, very rarely do calls go to voicemail. He is familiar with all the software used by the Town. Executive Secretary advises that Mr. McKenzie has reviewed the contract and does not have any questions or concerns. Mr. McKenzie signs both original contracts.

***On a motion by Baker and second by Laura, the Board votes unanimously to authorize the Chairman to sign the Town's contract with CMGeeks, Inc. for IT services for fiscal year 2016.***

## **APPROVAL OF MINUTES**

### **April 21, 2015 – 6:00 p.m.**

*On a motion by Wing and second by Rapoza, the Board votes unanimously to approve and sign the Minutes of April 21, 2015 at 6:00 p.m. {Baker abstains}*

### **April 21, 2015 – 7:00 p.m.**

*On a motion by Laura and second by Rapoza, the Board votes unanimously to approve and sign the Minutes of April 21, 2015 at 7:00 p.m. {Baker abstains}*

## **APPROVAL OF WARRANTS**

*On a motion by Rapoza and second by Baker, the Board votes unanimously to approve and sign the Warrants as prepared and read.*

## **TOWN BOARDS/OFFICIALS**

**Assistant Animal Control Officer Gary Fagan.** Chief Landry asks to join Mr. Fagan at the table. Chairman Barrett advises he invited Mr. Fagan to determine how he is handling the opening for Assistant Animal Control Officer position. Mr. Fagan advises the position has been posted and there are two applicants. Mr. Barrett understands that Mr. Fagan has a full-time job and cannot be available during the day and this was not part of his job description. Mr. Barrett advises that every time a dog needs to be picked up or brought to the kennel by the Police Department, it is taking an officer off the road tied up with an animal issue. Mrs. Wing asks if the two applicants are good possibilities. Mr. Fagan feels one of the applicants is very qualified. Mr. Rapoza states that it is disconcerting that the Police Department has been handling the majority of daytime phone calls.

Executive Secretary advises that the job has been posted, job applications are available with the office secretary and on Town website, it was posted on social media and Town bulletin boards. Gary suggests posting in T&G until someone is hired...no sense holding back. The position is open until filled.

Chief Landry addresses two emails sent out by the Executive Secretary to the Board of Selectmen regarding Mr. Fagan being at the meeting. Chief Landry contends that Mr. Fagan did not make the statements in the emails and that he was not upset and frustrated that the Chief had gone to the kennel to check on two dogs. Mr. Fagan advises he was concerned about losing the kennel because the Town has lost the kennel before. Chief Landry believes Mrs. Coffin questioned his ability and the laws he applies to investigate complaints. He questions the Board on when Mrs. Coffin became his boss or when he has to answer to her regarding what law to apply. Chief Landry feels the emails are a fabricated lie and they attack his integrity.

Chief Landry explains the Police Department found two animals running loose in Millville. A resident jumped into Mansfield Pond to save one and the Police Department retrieved them and held them for the day. Gary picked one up and the PD transported the other one at his request to a kennel located in Uxbridge. When they find missing animals they post them on Facebook in case somebody lost their dog and they have had great success doing so. In the days that followed, Town residents called the kennel asking if they could adopt the dogs within seven days but they were told by the kennel that the dogs were gone and they'd already been adopted. There was another posting on Facebook that the kennel was not sanitary which fits under the description of cruelty to animals. The dogs are the

Town's responsibility. The Clerk called the kennel and asked where the dogs were but the kennel refused to answer the questions and wouldn't tell her they had the dogs. The Town pays the kennel to Board dogs but wouldn't answer the questions so he took it upon himself to go there to find out if the kennel was holding the dogs. The lady gave him a hard time and would not tell him where the dogs were and he had to remind her that if he had to conduct an investigation he would, to which she replied the dogs were there. He then called the Chairman from the kennel. Later that evening he had a conversation with Mr. Fagan. He feels Mrs. Coffin's emails were a personal attack on his integrity.

Chairman Barrett advises that he invited Gary to attend the meeting after his conversation with the Chief regarding the kennel, he invited Gary to come to take care of the daytime animal control issue.

Mrs. Coffin states she received two telephone calls from Gary and she had two meetings with him in her office two Wednesday nights in a row where her feeling was that Gary was upset and frustrated. Chief Landry states that may be her interpretation of what he was but if he doesn't actually say it, she has no business saying it. Mr. Fagan indicates he was upset with the Facebook page. Chief Landry reiterates that what she put in writing was a personal attack and creates a hostile work environment. Chief Landry adds that a woman contacted him regarding the ACO position. He was speaking to Joe at the time so he told the lady he would forward her information over to the Board of Selectmen, so he sent it to Joe. The Executive Secretary later questioned Joe why the Chief had sent it only to Joe. Chief Landry doesn't understand what that has to do with Mrs. Coffin. Mrs. Coffin states she believes it would have made more sense to forward the email to the Animal Control Officer or to her office as they both have the job applications and information regarding the position, and she was confused as to why Joe was the only Selectman who received it. Chief Landry states that the Executive Secretary makes the mistake of putting everything she does in writing and the day he starts answering to her about criminal investigations is when he won't seek reappointment. He is intimidated to come into the Town Hall from his station, and he requests professional courtesy from that office so he can do his job and he doesn't have to second guess whether or not someone is going to stab him in the back.

Mrs. Coffin explains she received a call from the Chairman asking to include Gary on the meeting agenda to discuss the assistant animal control position, and she replied that she wasn't sure it was necessary since the position had been posted. Shortly thereafter, she received a phone call from Gary wherein he sounded frustrated and upset. Gary acknowledges that he was very upset about the comments on the Facebook page because there was a lot of derogatory stuff on there. Mrs. Coffin reads out loud the emails she sent to the Board that the Chief was referring to, confirming with Gary that he made the statements she wrote. Chief Landry states that from the comments made by many residents on Facebook and from the comments he and his clerk received, he is amazed the Town is still doing business with the kennel; however, he understands Gary has a hard time finding a kennel. Mrs. Coffin indicates the emails were not an attack on the Chief and that she was passing along a message received from a Department Head to the Board of Selectmen. She states that she feels it is her responsibility to pass along to all five Board members any information received from one of the Department Heads so the Board is aware of the situation. The email recommended that the Board address the issue between the two Department Heads and that she had no knowledge of the laws or involvement of the matter and was only passing along the message.

General discussion follows regarding the process for reporting complaints and concerns. Chairman Barrett discusses how emails can be perceived in different ways or could be made shorter and followed up by an email. The Chief alleges Mrs. Coffin was questioning the laws. Mrs. Coffin states she was not questioning the laws whatsoever and made the statement that she was not aware of the laws.

Gary explains that things went on that people don't even know about. He received phone calls from alleged animal rescue leagues responding to Facebook comments. Also, someone from Northbridge claimed to own the dogs...a kennel that was working with the resident who wanted the dog yet she refused to file a missing dog report. Between all the remarks and the incident between the Chief and kennel owner, he was upset about the whole thing. He explains further about how the kennel works and that he has been working with the owner for a long time.

Selectman Wing understands how this transpired. She feels there are separate issues going on and doesn't want Gary to feel he is in the middle of it. Gary indicates he expressed frustration to Mrs. Coffin due to everything that transpired. Chairman Barrett questions whether it was with the Police Department or the Facebook comments. Gary indicates there was no credibility to the remarks made in the Facebook comments. Chief Landry explains they use it as a tool to promote but in this instance people made negative comments and they took them off. He does not feel they opened up a can of worms and people have the right to state what they want to state. Gary explains his arrangement with the kennel. He adds that with all that transpired in the last few days, he was upset and expressed displeasure to Mrs. Coffin about what went on because these things upset him. He always tries to look out for the best interests of the dogs. Gary admits that the kennel owner is a little rough around the edges and she isn't up on all the laws. Chief Landry was interested in taking one of the dogs himself as he is pro-animal and he wanted to be sure the dogs were safe.

Mr. Rapoza took offense to the fact that the Executive Secretary asked why the Chief asked him to contact the woman about the position. He was doing his job serving the residents and then learned that he is persona non grata at the Town Hall. This came after a very challenging week for him dealing with government issues.

Mrs. Coffin states that she believes her mistake was not asking these Department Heads to put their concerns in writing. It was not an attempt to demean or demoralize the Chief but was simply relaying a message from one Department Head to the Selectmen. She reiterates that Gary's demeanor in her office was that of frustration. She also adds there was a recent situation where a Department Head had expressed a concern that she actually wasn't comfortable putting it in writing so she asked that Department Head to speak directly with the Chairman, which that Department Head did do.

Chairman Barrett asks for a motion that all issues, concerns and complaints to Helen be put in writing by the employee and sent to the Board. The message can then be scanned so words cannot be changed. Brief discussion follows.

***On a motion by Wing and second by Baker, the Board votes unanimously that any concerns, complaints, issues and agenda items should be submitted by Department Heads and appointed officials in writing, in either expanded or simple formats.***

Gary expresses that he does not know what future kennel arrangements will be but he had a long conversation with the kennel owner and she does want to be part of the community and work with the Town. She takes good care of the animals. He apologizes and again states there were things said on Facebook and people were fighting and it was a disaster.

## **PUBLIC FORUM**

Tim O'Brien, 47B Providence Street. He questions the status of the issues with the Central Street issue. The owner was there today crushing cement blocks. He questions who is responsible for enforcement. He has pictures which he sent to the Conservation Commission and DEP. He alleges the owner has been bringing in waste and burying it then covering with new dirt.

Selectman Wing feels we need a better understanding on who enforces what and who we should be sending where when they have concerns. She also questions the status of the meeting of the Earth Removal Board. Mrs. Coffin advises the property owner was in Wednesday night meeting with the Building Inspector and she is waiting for a report from him as to what transpired. Mrs. Wing feels the Board needs to know who they send to the Building Inspector and for what infraction. She understands why residents are frustrated hearing there is a cease and desist but nobody is enforcing it if the Building Inspector isn't in during the day to do so. Mrs. Coffin clarifies that the cease and desist was issued by the Conservation Commission and that it was forwarded to the Police Department at the request of the secretary. Mrs. Wing wants to know where the Board should send people with complaints and for what reason can we send them? Mrs. Wing still thinks the Earth Removal Board should meet to review the permit and application. Mrs. Coffin explains the owner did not need an application or permit because he was exempt under the Town's Earth Removal Bylaw and a written legal opinion was received from Town Counsel.

Mr. Rapoza notes that this has been going on since May 2013 and shame on the Board for not acting. Mrs. Coffin advises that whenever complaints were received they were passed along to the Building Inspector to investigate. The Building Inspector came back and advised there was nothing he could do. In the Board's defense, the Board did take action by sending out the Building Inspector/Earth Removal Agent. Mrs. Wing reiterates the Board needs to know who enforces for the Conservation Commission. Mrs. Coffin advises that the Board of Health was also working on this matter but she was not sure of the outcome. A resident in the audience explains what was found during a recent DEP visit.

Mr. Rapoza has concerns about what happens if the owner abandons the property as there is no bond with the Treasurer. The resident has concerns about the wells in the area and what will happen if they become contaminated.

Resident Lauren Sacco states that per DEP officials, if the property is not zoned agricultural it should not be exempt from any earth removal permit. She questions if the property is assessed under Chapter 61 land for an exemption. Mrs. Wing does not recall this property from her time on that Board but recommends the resident contact the Assessors' Office. Lauren is under the impression he is not supposed to be doing work in Town until he files paperwork. Amy of the Conservation Commission told her the Police can enforce the cease and desist order.

Chairman Barrett questions Chief Landry as to whether he is authorized to enforce a cease and desist order. Chief Landry advises that all he can do is submit a report as that is an issue for district court ... it's a civil matter and he doesn't enforce civil matters. Lauren feels the owner's attitude at the property is different than what it was at the meeting...he is not a pleasant man when confronted.

## **CORRESPONDENCE**

Chief Landry will be away on vacation and Sgt. Coupe will be in charge of the activities.

Centennial Celebration will kick off May 1, 2016 with a parade. Mrs. Wing advises that the Parade Committee will take place on the 100<sup>th</sup> birthday and are working diligently. This is an application for organizations to be in the parade.

Charter will be our cable provider – Comcast is not merging with Time Warner.

Town of Northbridge thanks Millville Police for the assistance with the Dawson funeral.

Disclosure Form is received from Chief Landry.

Title 5 Complaint is received for property on Chesley Street.

**EXECUTIVE SECRETARY REPORT** None.

**OLD BUSINESS**

Selectmen Barrett and Wing will present Helen's review Tuesday at 7:30 p.m.

Vice Chairman Rapoza would like to see the forms changes for the future.

Mrs. Wing questions if the dates for interviews with the attorneys are all set.

**NEW BUSINESS** None.

**MEMBERS FORUM**

**Green Energy.** Mr. Rapoza explains it has been trying getting a grant administrator in place and they have jumped over all the hurdles. He is asking for the Board to consider approving an exemption from Ethics section 20B regarding an employee of the Town holding two jobs, or having an interest in a contract. Mr. Rapoza reads a letter of interest in the position of grant administrator and outlines the requirements of the exemption which was submitted by Trish Benoit-Rudden. Chairman Barrett questions if Mr. Rapoza has this in writing. Mr. Rapoza replies that he spoke with Town Counsel and Ethics and has an email from Ethics.

***On a motion by Rapoza and second by Laura, the Board votes unanimously to approve the exemption allowing Trish Benoit-Rudden to serve as both employee and contractor, and to authorize the Chairman to sign the form.***

The next step is signing the voucher. Selectman Laura questions who signs the voucher. Trish replies from the audience that Joe, one other member, and the Chairman of the Board of Selectmen sign.

***On a motion by Laura and second by Baker, the Board votes unanimously to authorize the Chairman to sign the voucher.***

Executive Secretary confirms that Mr. Rapoza stated that the purpose of the exemption is so that Trish can serve as both contractor and employee and be paid via 1099; however, the Town Accountant has advised that this is not allowable per IRS. Mr. Rapoza replies that there are various forms of 1099s that aren't specific to wages, called incidental income, and this can be used. The Executive Secretary advises that the IRS issue is completely separate from the Ethics issue. Trish explains she sent an email to Marilyn last night telling her she spoke with her accountant and she had recommended the 1099 as opposed to the w-2 because it is not a regular salary, wage or tip.

Ethics also recommended that Trish file a disclosure form, and Joe will file a disclosure form with the Town Clerk tomorrow. He believes all the paperwork is in order.

***On a motion by Rapoza and second by Laura, the Board votes unanimously to authorize the Chairman to sign the Disclosure Form for Trish Benoit-Rudden.***

Mr. Rapoza indicates that he received an email from Brian Faulkner who is interesting in joining the Committee.

Selectman Laura asks what else is necessary in order for Trish to receive her money. Mr. Rapoza indicates that there is no more paperwork. Trish indicates that Marilyn said she is more than happy to do a special warrant once everything is squared away.

Mr. Rapoza indicates that the problems with this paperwork put them in jeopardy of meeting project deadlines. They need to get to Phase II of competitive grants.

Mr. Laura thanks Trish for her work.

Mr. Rapoza advises he will be visiting all the buildings Wednesday morning with Guardian Energy working on exterior lighting and the Committee needs to finish Phase I by October.

**Town Governance.** Mr. Rapoza defines governance and how it applies to the Board of Selectmen as “the establishment of policies and the continuous monitoring of their proper implementation by the members of a governing body or organization, the Board of Selectmen, which includes a mechanism to balance the powers of the members with the associated accountability being the primary duty of enhancing the prosperity and viability of the organization.” That is the Board’s responsibility – to govern. He has a list of projects that have been going on more than two years, highway issues, infrastructure issues that need to be addressed, and there is no way he perceives getting things done without going back in the 1930’s and getting into receivership without make changes...it’s as simple as that. Going back to the earlier discussion from the goals meeting and the fifth point is reorganizing town government. During early April discussions, the Executive Secretary recognized that a lot of what is required is above and beyond her capability so his recommendation or solution is to:

***Motion is made by Rapoza and seconded by Wing to dissolve the Board’s agreement with the Executive Secretary and begin a search to hire a credentialed Town Administrator.***

Chairman Barrett questions where that leaves the Town tomorrow morning. Mr. Rapoza replies that it depends on how Mrs. Coffin feels about it...she has 90 days if we vote. Part of her initial proposal was to go to the front office. Mrs. Wing states she had previously expressed concerns about the rate of pay but the Board can always engage in conversation depending on how the vote goes. Finance seemed to think it was a good idea with some of the things coming before the Town. Chairman Barrett states that he was in agreement with it before but Finance also asked where they would get the money. Mrs. Wing replies that it may have to be restructured for this year and they can see what it looks like; they don’t need to make a big jump, just a little leap this year is fine. But it won’t be status quo...and somebody who can handle things that are a bit more difficult. Mr. Rapoza can’t see kicking this can down the road any further.

Mr. Baker states he missed the last two meetings. Chairman Barrett advises that this was Mrs. Coffin’s recommendation a couple of months ago...to move forward, and then looking at the budget the Board thought that making a small change this year would allow the Board to get more ducks in a row.

Mr. Rapoza states that he is impressed with how the Finance Committee has worked balancing the budget, with money going into stabilization, and they negotiated the request for additional contributions for the school down. They will go to Town Meeting with savings and capital funding. The Finance Committee has been balancing the budget with pocket change. Mr. Rapoza feels we are in a good place this year to move forward. Mr. Baker questions the end game of the proposal...will it create more revenue? Mr. Rapoza replies that what it might do is deal with the open issues that are unresolved. Mrs. Wing indicates it was proposed more like a Business Manager who can grasp the financial issues along with municipal issues and work on those and be the administrator. There were questions about hours and a job description needs to be created. Mr. Rapoza replies that the Board could determine those requirements in a workshop. There are land-use issues on Thayer Street, there are missing clear titles to properties, and unknown owners...many things the Board needs to look at and fix.

Mr. Baker states there is no question that things do not get done in the office because the Board has never been able to fund additional hours for staff. He questions the net/net and if there is a way to measure it. Mr. Rapoza advises that his property value has decreased 30%. School enrollment is down and we need to look beyond our borders regarding grant availability. There are questions about the Town Hall and dealing with Fire Station 1...we have to look at those types of things. There are lots of opportunities out there such as community preservation grants. We need to get aggressive in those areas and make the Town nice, get zoning in, and get businesses on Main Street. Mrs. Wing adds that we've had multiple conversations about Valley Tech and how far Dr. Fitzpatrick has taken that school. He has ambition, knowledge and push, and we should try to find someone invested in ambition. Mrs. Wing feels Millville deserves better from the Board and its Departments. We don't need someone just putting out fires and status quo, we need someone who is a step ahead of the Board. Mr. Rapoza advises the Board needs to stimulate civil engagement in Town.

Mr. Barrett states that this would need to be put into the budget. Mrs. Wing replies that we already have a budget for the offices and the Board could ask FinCom to switch some numbers around, or the Board can move between line items. Barrett says the first plan was only 2 days a week. Mrs. Wing advises that there is a special meeting in November and the Board can meet with FinCom in the interim. She is not one for rushing and not for changing it on Town floor. The Board needs to do some research and get information and work with FinCom on where that money would come from but can play within the department until then.

This would release the Board from Helen's contract with 90 days out, and depending on what time, this gives the Board time to set things up and do what it needs to do.

***Vote: Passes with unanimous vote {Baker abstains}***

**FINAL PUBLIC FORUM** None.

**NEXT MEETING** Monday, May 18, 2015 at 7:00 p.m.

**SIGNATURES** The Board signs the documents voted on earlier this evening.



**ADJOURN**

***On a motion by Baker and second by Rapoza, the Board votes unanimously to adjourn at 9:24 p.m.***

Respectfully submitted,  
Helen M. Coffin

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Roland Barrett, Chairman

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Joseph Rapoza, Vice Chairman

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Jennifer Dean Wing, Secretary

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Robert Baker

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John Laura