

MINUTES OF REGULAR SESSION – APRIL 9, 2012

ROOM 03-TOWN HALL

7:00PM

PRESENT: Chairman Dino B. DeBartolomeis; Selectmen Brian W. Murray and William D. Buckley; Town Administrator Louis J. Celozzi; and Minutes Recorder Jean M. DeTore.

1. Chairman DeBartolomeis opened the meeting for re-organizational purposes. He thanked both Mr. Murray and Mr. Buckley for their support during the past year. He also thanked Town Administrator Celozzi; Jean DeTore and Liz Fernandes, support staff in the Selectmen's Office. He then turned the meeting over to the Town Administrator for the election of a new Chairman. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To nominate Brian W. Murray as Chairman, UNANIMOUS. Mr. Murray congratulated Selectman DeBartolomeis on his re-election and for his excellent job as Chairman last year as there were a number of difficult issues; and he thanked Selectman Buckley for his support and service to the Town. He also thanked Town Administrator Celozzi for his hard work and expertise and indicated that he looked forward to working with the Board for the benefit of the community.

2. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To sign the warrant and approve the Minutes of March 19, 2012 as submitted, UNANIMOUS.

3. Citizen Participation – None.

4. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To remand the petition for street acceptance(s) for Dynasty Drive and Celestial Circle to the Planning Board for review, UNANIMOUS.

5. At the invitation of the Board, Dan Sullivan, President of the Nipmuc Rod & Gun Club, Police Thomas J. O'Loughlin and Domenic Agresta, were present to discuss Mr. Agresta's concerns with noise and safety issues relative to activities at the Nipmuc Rod & Gun Club. Chief O'Loughlin stated that he had met with Mr. Sullivan to discuss Mr. Agresta's concerns and noted that the shotgun skeet range is located in Milford. It is open on Sundays from 12Noon to 3:30PM, closed during hunting season from October until the end of February for safety. The Rifle Range is further away from the shotgun skeet area towards the Town of Upton and away from the homes in the Town of Milford. This range is open each day from 9:00AM to dusk, however, most of the shooting takes place after the workday and is closed during hunting season from October to February. The Handgun Range is open each day from 9:00AM to dusk, however, most of the shooting takes place after the workday. The Chief noted that the club is following all local and state regulations. Mr. Sullivan stated that there is a Winter and Summer League for Skeet Shooting which takes place on Sundays from 12Noon to 3:30PM ranging from 10 to 20 members. He noted that due to the warm weather people have been staying longer after the leagues have ended their scheduled times.

He shared Mr. Agresta's concern with hearing the large caliber gun and indicated that the club was taking steps to identify the owner.

After a brief discussion, the Board agreed with Chief O'Loughlin's recommendation to arrange for Mr. Sullivan and Mr. Agresta to meet at the Club and discuss the matter with the Range Committee to address the situation perhaps adjusting the scheduled hours of operation. The Board was quite satisfied that a solution could be reached and thanked all parties for being cooperative.

6. Chairman Murray stated that late Friday afternoon, Town Counsel Moody received notice from the Attorney for the Scioli Corporation, d/b/a Scioli's Pizza Bar, 146 South Main Street requesting a continuance of the hearing, scheduled for this evening, to consider whether or not to modify, suspend or revoke the license issued for the establishment, pursuant to Chapter 138, section 64. Mr. DeBartolomeis moved to continue the hearing to April 30, 2012 at 7:30PM and to send an additional notice, pursuant to G.L. c. 138 Section 12, to also consider whether or not there is a public need for a decrease in the hours of operation permitted to the establishment. Mr. Buckley stated that he has talked to the Ethics Commission and believes that a Conflict of Interest exists and as a result of knowing one of the participants in the above matter, he is informing the Board that he will not be participating in the discussion of the hearing and will not be present at the time of the hearing. Two in favor, One abstention (Mr. Buckley abstains) IT IS A VOTE.

#### 7. TOWN ADMINISTRATOR'S REPORT

- Monthly Financial Update – With the exception of what was previously reported, all budgets under the jurisdiction of the Board of Selectmen are on target.
- At a previous meeting the Board had approved a carnival request from the Italian American Vets Post #40. They have now withdrawn that request.
- I visited the Senior Center on Thursday and I'm pleased to report that the upstairs room project has been completed. I was very impressed with the quality of work. The Building Commissioner also checked the project and issued a Certificate of Occupancy.
- I have been working with our architect Max Ferro on the Town Hall repainting project as well as the other projects including the stairs and handicap accessibility at Draper Park. Bids for the painting project have been advertised and are due May 10, 2012. I will be bringing Mr. Ferro in to meet with the Board.
- On April 2, 2012, I was at the CIC meeting discussing various warrant articles. As a reminder, the Finance Committee will be having a meeting tomorrow on long-term requests. Regular Finance Committee meetings are scheduled for this Wednesday and Thursday. Also, the Board of Selectmen's meeting scheduled for April 23, 2012 has been changed to April 30, 2012.

8. After a review of the Annual Town Meeting articles, Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the May 21, 2012 Annual Town Meeting Warrant, UNANIMOUS.

9. In regard to a recommendation on Article 3 (Elected Officials), Mr. DeBartolomeis moved, seconded by Mr. Buckley: To recommend a 2 % increase for the four Full-Time officials: Town Clerk, Town Treasurer, Tax Collector and Highway Surveyor, with the remaining Part-Time officials receiving a 0% increase, UNANIMOUS.

10. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the renewal of the following: **Bowling Alley License for 2012:** Fun Zone of Milford LLC, d/b/a Pinz, **Pool Table License** for 2012: Fun Zone of Milford LLC, d/b/a Pinz, **Second Hand Licenses** for 2012: Baza Jewelry and Gifts; Central Street Resale, The Foxy Shop, Mr. Nascimento Mendes d/b/a Mendes Antiques, Nathan Sophos, c/o Nathan's Jewelers, Gregory Bowser d/b/a Pandoras Box, T.J. Collectibles, Inc ,Thrifty Lady, UNANIMOUS. This & That Thrift Shop, Two in favor, One abstention (Mr. Murray abstains) IT IS A VOTE.

11. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the request of the Highway Surveyor to remove the sign in front of 52 Bancroft Avenue, "Caution – Deaf Child", UNANIMOUS.

12. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the Annual Opening Day Parade for Youth Baseball for Sunday, April 29, 2012 from 11:30AM to 12:15PM, UNANIMOUS.

13. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To accept the \$2,500.00 gift from Benjamin Moore Company to be deposited in the Milford Fire Department Gift Account, UNANIMOUS.

14. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve a One-Day Wine License for the Sacred Heart Parish, Saturday, April 21, 2012-5:00PM-11:00PM, UNANIMOUS.

15. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the request to proclaim Louisa Lake "Off Limits" for fishing on April 20, 2012, the day before WMRC's annual fishing derby of April 21, 2012, and to notify the Police Department as well, UNANIMOUS.

16. Dog Hearing Officer Murray, reviewed the Walker vs. Peniche Dog Complaint Hearing reading the following Findings of Fact:

1. Daniel D. Peniche lives at 44 West Walnut Street, Unit D, Milford.
2. Mr. Peniche is the owner of a brindle colored female pitbull named "Roxy."
3. On March 19, 2012, Roxy jumped from Mr. Peniche's vehicle window and attacked a dog that was under the control of Linda M. Walker.
4. Ms. Walker's dog suffered a superficial ear injury as a result of the attack.
5. On March 26, 2012 Roxy ran from Mr. Peniche's residence and went after a dog that lives at 46 West Walnut Street.
6. No injuries occurred as a result of this incident.

7. On April 18, 2011 Roxy, while being walked, attacked another individual's dog with no injuries resulting.
8. Therefore, pursuant to G.L. Ch. 140§157, I find that Mr. Peniche's dog, Roxy, is a nuisance by reason of vicious disposition.

Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the following recommendations of the Hearing Officer, UNANIMOUS.

1. Mr. Peniche shall apply a muzzle to Roxy at all times that Roxy is outside of Mr. Peniche's residence.
2. Within two (2) weeks of the issuance of this order, Mr. Peniche shall arrange for the installation of full and complete fencing of the rear yard of his property.
3. Should Mr. Peniche fail to comply with the Order from the Board of Selectmen, then the Animal Control Department shall be entitled to remove Roxy immediately from the premises at which time a hearing shall be scheduled concerning the future disposition of Roxy.

17. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To accept the \$2,500.00 gift from Benjamin Moore Company to be deposited in the Milford Police Department Gift Account, UNANIMOUS.

18. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To accept, with regret, the resignation of Helen Knox from the Historical Commission, UNANIMOUS.

19. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To appoint Mary Villani to the Historical Commission for a term to expire June 30, 2012, UNANIMOUS.

20. The Board reviewed correspondence submitted by Police Chief O'Loughlin regarding Annual License establishment's activity report January 1, 2012 – March 31, 2012. Chairman Murray noted that overall the number of incidents at the licensed establishments had decreased with the exception of the establishment that has a hearing scheduled at the end of the month as a result of other issues and these issues will be addressed. He also noted that he was surprised with some establishments reporting incidents of counterfeit money and patrons leaving an establishment without paying.

21. The Board reviewed correspondence from John Erickson, Building Commissioner detailing the recent efforts of the Neighborhood Task Force. To date, 108 properties were cited with violations, of which 37 remain unresolved. Of the 37 unresolved properties, 24 are progressing with cooperation of the property owners, and 11 have required further pursuit through the legal system.

22. INFORMATIONAL CORRESPONDENCE

1. Finance Committee, re: Minutes of 2/8/12; 2/21/12
2. Dept. of Revenue, re: FY12 Sewer Rate Relief Fund
3. D.E.P., re: Sanitary Surveys
4. Office of the Governor, re: FY13 Chapter 90 Funding
5. MA State Lottery Commission, re: Keno License – Isabel's
6. Schedule of Meetings

23. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To adjourn the Selectmen's meeting at 7:43PM, UNANIMOUS. ROLL CALL VOTE: Chairman Murray, and Selectmen DeBartolomeis and Buckley vote in the affirmative to go into Executive Session to discuss Police and Fire collective bargaining issues, Update on Cable Television, Real Estate matters, UNANIMOUS.

Respectfully submitted:

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Jean M. De Tore  
Minutes Recorder

MILFORD BOARD OF SELECTMEN

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Atty. Brian W. Murray, Chairman

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Dino B. DeBartolomeis

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William D. Buckley