

MINUTES OF REGULAR SESSION – JUNE 6, 2011

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 suspended the business of the meeting in order to recognize former Fire Chief John DePaolo who passed away Saturday, requesting a moment of silence in honor of his thirty-five years of dedicated service to the town of Milford, including sixteen years as Fire Chief. He also requested that a copy of the minutes be forwarded to his family.

2. Mr. Murray moved, seconded by Mr. Buckley: To sign the warrant and approve the minutes of May 9 and May 23, 2011 as submitted, UNANIMOUS.

3. Citizen Participation – None.

4. Police Chief Thomas J. O'Loughlin; Jose Goncalves, President; Daniel Goncalves, Vice President and Acacio Morgado, Treasurer of the Portuguese Club; met with the Board to review the procedures that will be followed during the July 16 and 17, 2011 annual Portuguese Picnic. Chief O'Loughlin stated that he met with the officers of the Portuguese Club after last year's picnic to address any issues of concern for future picnics. He noted that Police coverage will be similar to the past with officers on motorcycles patrolling the outlying streets and that the noise level of music (entertainment) will be strictly monitored. Mr. Murray moved, seconded by Mr. Buckley: To approve the One-Day All Alcoholic License (2), Saturday, July 16th 12:00Noon to 1:00AM and Sunday, July 17th 12:00 Noon to 11:00PM, UNANIMOUS. Mr. Murray moved, seconded by Mr. Buckley: To approve the Live Entertainment License for July 16 from 7:00PM – 1:00AM and July 17 from 12Noon-11:00PM, UNANIMOUS. Mr. Murray moved, seconded by Mr. Buckley: To approve the Parade Permit for July 17, 2011, UNANIMOUS. (NB: All in accordance with the stipulations provided by the Police Chief).

5. Danielle White, daughter of Wendy Beltramini, D&V Realty Trust d/b/a BD Brazil Lanchonette, 66 Central Street was present requesting a Common Victualler license for a luncheonette at this location. Hours of operation: Monday-Saturday 6AM-12Midnight. Mr. Murray moved, seconded by Mr. Buckley: To approve the license subject to the following stipulations: installation of hood ventilation and automatic suppression system(s), and approval from the Board of Health, UNANIMOUS.

6. Attorney Joseph Lasorsa representing Robert DeDominick, Manager, Aida Café, Inc. /b/a The Tradesman, 284 West Street was present seeking an Entertainment License for an

occasional DJ or guitar player, Monday-Saturday 8:PM-1:00AM. Mr. Murray recused himself from this discussion as Atty. Lasorsa is a tenant in Mr. Murray's office building although no business affiliation exists.

Mr. Buckley moved, seconded by Chairman DeBartolomeis: To approve the weekday (Monday-Saturday) Entertainment License. Two (2) in favor. UNANIMOUS.

7. Michael Nicholson, Chairman of the Commission on Disability and Thomas Andruskevich, Vice Chairman were present to update the board on various programs and initiatives. Mr. Nicholson stated that the committees focus was to see that businesses and town facilities provide for handicap accessibility. He noted that if a complaint is received, the committee reviews and discusses the issue with the Building Inspector and/or ADA Coordinator and then seeks to implement the law and resolve the issue. An annual review of various licenses including common victualler, alcohol provides insight to determining the amount of accessible parking and sign improvements, as well as site plan reviews for projected new construction. The following is a list of projects that have been addressed or discussed to date:

Milford Upper Charles Trail-Safety issue for site-impaired due to the placement of benches off the trail and establishing more handicap accessible parking spaces at the various entrances to the trail.

Youth Center-Pursuing first floor handicap accessible restroom.

Town Library-Purchasing Brail auto tapes.

Housing Authority-Evaluating Laundry accessibility.

High School Field Project-Viewed architectural plans for field accessibility and made recommendations.

Highway Department-Discussed sidewalk obstructions including double poles, hedges, curb cuts, and weed control.

Mr. Nicholson stated that the Commission was successful in obtaining the removal of a double pole on Route 109 after working with several agencies and also worked with the state to improve crosswalks and audible signals relative to the proposed Rt. 16 project.

Park Department-More accessible Parking spaces for town activities.

Seeking an engineering study for handicap access ramp at Draper Park.

Mr. Andruskevich expressed that in his many years of serving on the Commission, he has noticed that the community and business owners have gone from a confrontational approach to a collaborative and cooperative effort in securing handicap accessibility. He commended Rob Bonnell for his efforts in transferring information to the town's new web page and the Police Department for their efforts to issue tickets for misuse of plaque cards or illegal parking in handicap spaces. He further noted that the ability to enforce the ADA laws be considered when interviewing applicants for the Building Inspector position. Each of the members expressed their appreciation to the Commission on Disability and pledged to continue working on their behalf.

8. Amy Neves, Town Clerk, was present seeking the Board's approval for a new division of precincts due to the increase in population as reported on the 2010 Federal Census. Ms. Neves submitted a guideline packet from the Secretary of the Commonwealth Elections Division and a map drafted by Town Engineer Santora along with the legal description and boundaries of each precinct for the Board's review. She stated that within the packet was a timeline that the town had to adhere to in order to secure the state's approval. She further stated that once the town received the state's approval for the new precincting which will result in a new precinct for a total of eight (8), all current precinct members would need to run for re-election in April 2012.

Mr. Murray moved to approve the new division of precincts as submitted by Town Clerk Amy Neves. Mr. Buckley stated that he needed more time to review the map and legal descriptions and therefore would abstain from voting.

Mr. Murray moved seconded by Chairman DeBartolomeis: To approve the new division of precincts as submitted by Amy Neves, Town Clerk.

Two (2) in favor, One (1) abstention (Mr. Buckley). IT IS A VOTE.

9. Mr. Ernane Andrade Bomfim, d/b/a Cousin's Pizza Café and Lunch, 163 Main Street was present seeking a Common Victualler License. Hours of operation are Monday-Saturday 6:00AM-10:00PM and Sunday 6:00AM-8:00PM. Mr. Murray moved, seconded by Mr. Buckley: To approve the license, UNANIMOUS.

10. TOWN ADMINISTRATOR'S REPORT

- Monthly Financial Report As we enter the final month of FY11 all budgets under the jurisdiction of the Board of Selectmen are on target. Barring any unforeseen events, many departments will be returning money which will subsequently drop to "Free Cash."
- On May 26, 2011 the Senate approved a \$30.5 billion budget for next year that includes the main municipal and education aid funds that were proposed by the Governor in January and approved by the House in April. This is good news for Milford as it represents \$1.4M in additional aid.

11. Mr. Murray moved, seconded by Mr. Buckley: To accept, with regret, the resignation of Atty. Laura A. Mann from the Zoning Board of Appeals, UNANIMOUS.

12. In response to correspondence from Town Administrator Celozzi relative to a review of the "Talent Bank" listing of individuals who have indicated an interest in serving on the Zoning Board of Appeals:

Mr. Murray moved, seconded by Mr. Buckley: To appoint Joseph Evans to a Full-time member filling the vacancy for a term to expire 2012, UNANIMOUS.

Mr. Murray moved, seconded by Mr. Buckley: To appoint Christopher Pilla to fill the Alternate #1 position for a term to expire on June 30, 2011, UNANIMOUS.

Mr. Murray moved, seconded by Mr. Buckley: To appoint Brian R. Falk, Esq. to fill the Alternate #2 position for a term to expire 2012, UNANIMOUS.

13. After reviewing the FY10 Management Letter submitted by Thomas J. Scanlon Jr., Auditor for the Town of Milford at the May 9, 2011 meeting, Town Administrator Celozzi provided correspondence detailing the corrective actions that have been instituted to respond to the various "Findings." Highlights include:

Comment:

1. Accounts Receivable-Sewer

Account receivable records for Sewer Department were not reconciled to the general ledger.

Corrective Action

The Sewer Department's software program has been re-written by Rob Bonnell and the interest payments are now separated as recommended. The program is operational and will be done on a quarterly basis.

2. Establishment of Sewer Reserve and Policy

In fiscal year 2010 the Sewer Department received \$2,635,000 from the Town of Hopkinton as a result of an intergovernmental agreement signed by both Towns. The Town credited the receipts to the unreserved retained earnings account.

Corrective Action

The Town Treasurer sponsored Article 34 at the May 23, 2011 Annual Town Meeting and a Stabilization Fund has been approved. The Board of Sewer Commissioners will be establishing a policy on this fund.

3. New Accounting and Financial Reporting Requirement for Fund Balances-GASB No. 54

The Governmental Accounting Standards Board (GASB) has issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

Corrective Action

The Town of Milford was made aware of GASB No. 54 three years ago by Mr. Scanlon. We have since adopted and implemented the principles and standards set forth and continue to incorporate all changes recommended.

Prior Year issues

OTHER ITEMS:

4. Deputy Collector Procedures

Currently the deputy collector fees are paid directly from the deputy collector's account. In order to maintain an accounting of the fees and also to comply with the internal revenue

regulations, the fees paid to the deputy collector should be paid through the warrant system and accounted for in an agency account on the general ledger.

Corrective Action

The Town of Milford has complied with the requirement to handle the deputy collector fees through the warrant system and an "Agency Fund" #8914 has been established for this purpose and is operational

5. Cellular Phone Policy

The Town reimburses various employees for cellular telephone usage and supplies employees the use of a cell phone. The Town should have a written policy with regards to cellular phones usage and reimbursement.

Corrective Action

The Town Administrator has developed a Municipal Cell Phone Usage Policy which was adopted by the Board of Selectmen on May 10, 2010.

6. Police Off Duty Receivable

At June 30th the police department did not have a list of outstanding accounts receivable balances.

Corrective Action

As recommended, the Town Accountant's office has created a receivable within the existing Revolving Account. This is now operational.

7. Old Delinquent Real Estate Taxes

Prior audits have indicated that the tax rolls of the Tax Collector include prior year's real estate taxes with parcels of land where the taxes are uncollectible.

Corrective Action

After reviewing Town Counsel Moody's correspondence of May 18, 2011 and May 5, 2008 relative to this "Finding", the Town has aggressively pursued this issue through the years with approximately 50 parcels remaining totaling 85 acres. Mr. Celozzi recommended that Town Counsel Moody's suggestion of allocating \$10,000-\$20,000 annually to the Assessor's Office be considered. He also stated the he was quite pleased with the FY10 Management Letter, and it is always his intention to address any issues immediately and to comply with all recommendations set forth by the Auditor.

It was the consensus of the Board to ask the Board of Assessors to determine if increased efforts to resolve this issue are a priority and, if so, do they wish to pursue it. Also, they recommended sending a letter to Scanlon & Associates requesting that in the future, prior to any report, someone from their office meet with Town Counsel Moody to discuss the issue; quantify the problem by listing the parcels, acreage, etc. The Town Administrator will follow up on this issue.

14. After reviewing correspondence from Town Administrator Celozzi which states that during Mr. Pyne's absence, Zachary A. Taylor, Assistant Town Accountant has assumed his duties and responsibilities for a period of thirty (30) days and will continue to do so for an indeterminate time;-under the M.A.C.E. Contract, Article XXI, Section A which states "When an employee is temporarily assigned (but not Promised) to perform work of a higher paying position for more than thirty days, he/she shall receive the scheduled wages of such higher classification for each consecutive day. work." Therefore, Mr. Taylor is eligible for such an increase effective April 25, 2011.

It was the consensus of the Board to support Town Administrator Celozzi's recommendation.

15. Mr. Murray moved, seconded by Mr. Buckley: To adopt the revised Alcohol Compliance Check Guidelines as submitted by Police Chief, Thomas J. O'Loughlin, UNANIMOUS.

16. Mr. Murray moved, seconded by Mr. Buckley: To approve the Annual Road Block for St. Jude Children's Research Hospital for Saturday June 12, 2011, UNANIMOUS.

17. In response to correspondence from Vernon Grove Cemetery Trustees regarding the Avis Pond Bequest Interest Fund, it was the consensus of the Board to seek Town Counsel's opinion as to the various accounts available and a clarification of the limitations on any expenditures.

18. Mr. Murray moved, seconded by Mr. Buckley: To approve the recommendation of Town Engineer Santora for the installation of a standard 30' x 30' Warning Sign at 16 University Drive, as specified by the Massachusetts Department of Transportation, UNANIMOUS.

19. Mr. Murray moved, seconded by Mr. Buckley: To accept the \$2,500.00 gift from the Benjamin Moore Company to be deposited in the Law Enforcement Gift Account, UNANIMOUS.

20. Town Administrator Celozzi reviewed the process regarding the Departmental Clerk (P.T.) Police Department vacancy and stated that he and Police Chief O'Loughlin are hoping to submit a recommendation for the June 20, 2011 meeting.

21. Mr. Murray moved, seconded by Mr. Buckley: To approve a One-Day Wine and Malt License for Alianca Cultural Portuguesa, Saturday, June 11, 2011-5:00PM-12Midnight, UNANIMOUS.

22. Mr. Murray moved, seconded by Mr. Buckley: To approve a One-Day All Alcoholic Beverages License for Café Sorrento, 143 Central Street: Sunday, June 12, 2011 12Noon – 8:00 PM, UNANIMOUS.

23. The Board reviewed correspondence from the Massachusetts Department of Environmental Protection regarding the Sanitary Survey Audit performed at the Milford Water Company on October 27, 2010. Mr. Buckley expressed his dissatisfaction with Item #5 on page 16 describing the untimely notification to the Milford Water Company of the "Finding" related to a potassium hydroxide feed for PH control which was off line due to a leaking chemical injector at the Dilla Street Treatment Facility. He requested that a letter be sent to Martin Suuberg, Regional Director of the Massachusetts Department of Environmental Protection inquiring why the Milford Water Company customers and residents of the Town of Milford had to wait six months between the identification of the issue and the remedy. Also copies be forwarded to Senator Moore, Rep. Fernandes and David Condrey, Manager of the Milford Water Company.

24. After a brief discussion, it was the consensus of the Board to review a list from the "Talent Bank" of any individuals that expressed an interest in serving on the Finance Committee for the next meeting.

25. INFORMATIONAL CORRESPONDENCE

1. Council on Aging, re: Minutes of April 12, 2011.
2. Dept. of Inspections, re: April 2011 Monthly Report.
3. DEP, re: Milford Water Co. – Sanitary Surveys.
4. Vahan Sarkisian, re: Milford Water Company.
5. Town Counsel Moody, re: Management Letter – Real Estate Tax.
6. COMCAST, re: Service Changes.
7. Christopher Morin, re: Application for Appointment – Finance Committee.
8. Personnel Board, re: Annual Information Memo.
9. Schedule of Meetings.
10. Robert Dwyer, re: Application for Appointment-Council on Aging.

26. Mr. Murray moved, seconded by Mr. Buckley: To adjourn the Selectmen's meeting at 8:50PM, UNANIMOUS. ROLL CALL VOTE: Chairman DeBartolomeis, Selectmen Murray and Buckley all vote in the affirmative to go into Executive Session to discuss Highway Collective Bargaining, Police Association Collective Bargaining and Sewer Collective Bargaining Issues, as well as Collective Bargaining as it relates to Health care negotiations.

Respectfully submitted:

Jean M. DeTore
Minutes Recorder

MILFORD BOARD OF SELECTMEN

Dino B. DeBartolomeis, Chairman

Brian W. Murray, Esq.

William D. Buckley