

MINUTES OF REGULAR SESSION –JUNE 17, 2013

Room 03 – Town Hall

7:00PM

PRESENT: Chairman William D. Buckley; Selectmen Dino B. DeBartolomeis and Brian W. Murray, Esq.; Town Administrator Richard A. Villani; and Minutes Recorder Jean M. DeTore.

1. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To sign the warrant, UNANIMOUS.
2. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the Minutes of June 3, 2013 as submitted, UNANIMOUS.
3. Citizen Participation – Chairman Buckley recognized John Seaver and Steven Trettle, Co-Chairmen of Casino-Free Milford. Mr. Seaver submitted an Evaluation of the Foxwoods Massachusetts Proposed Casino Development Presentation for the board's review. Mr. Seaver stated that the purpose of this evaluation was to identify issues, inconsistencies, and omissions and to provide recommendations on how to proceed with the impact studies, as well as terms of the host community agreement, if the process should reach that point. Mr. Trettle requested that the board review the report and provide their suggestions. Chairman Buckley invited them to attend the next meeting to discuss their report further.
4. Steven Gordon, Manager; Bob Anderson, Senior Vice President, Linchris Hotel, Corp. d/b/a Doubletree Hotel Boston/Milford, 11 Beaver Street, represented by Atty. Ernest Pettinari; Police Chief Thomas J. O'Loughlin, and Town Counsel Gerald M. Moody were present for a hearing to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of April 19, 2013 at or about 9:05PM at which time an employee of the establishment did sell alcoholic beverages to a minor, without any inquiry as to identification. Atty. Pettinari stated that there was no dispute regarding the facts. He further stated that the bartender is T.I.P. certified and after an investigation of the incident by the establishment, the bartender was suspended for ten (10) days and effective immediately, a universal, irrevocable policy in which everyone will be asked to provide identification has been established. The Board stressed the seriousness of the offense but was pleased with the corrective measures and stated that this was their first offense. Mr. DeBartolomeis moved, seconded by Mr. Murray: To send a letter of reprimand as this was his first offense and corrective action has been taken, stating however, that any further violation will result in a suspension of the license, UNANIMOUS.
5. Mayank K. Patel, Manager, Bapanu Corp. d/b/a Milford Package Store, 270 Main Street, Police Chief Thomas J. O'Loughlin, and Town Counsel Gerald M. Moody were present for a hearing to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due

to actions of April 13, 2013 at or about 6:46PM at which time an employee of the establishment did sell alcoholic beverages to a minor, without any inquiry as to identification. Mr. Patel indicated that he was sorry that the incident happened as he was away on vacation. He further stated that the employee responsible was temporary, has five years experience but never attended an Alcohol Training Course. Also, a policy is implemented to check identification. The Board stressed the seriousness of the offense but was pleased with the corrective measures and stated that this was their first offense. Mr. DeBartolomeis moved, seconded by Mr. Murray: To send a letter of reprimand as this was his first offense and corrective action has been taken, stating however, that any further violation will result in a suspension of the license, UNANIMOUS.

6. Chairman Buckley requested that Police Chief O'Loughlin explain the procedure regarding the compliance checks. Chief O'Loughlin noted that notice is given through press releases and on line news a week or so before the actual checks. After the checks are completed, each establishment is sent a letter indicating whether or not they did or did not pass.

#### 7. TOWN ADMINISTRATOR'S REPORT

- Meeting Regional Evacuation Planning – On June 6, 2013 I, along with the Fire Chief, Police Chief and Highway Surveyor attended a meeting with representatives of the Central Massachusetts Regional Planning Commission to discuss a Regional Evacuation Plan. The goal is develop an Evacuation Plan to include evacuation zones, routes and traffic control points as well as contact information. This information will be incorporated into a Regional Wide Plan. The Commission will present the Plan to the Town likely sometime in July.
- Police Roof – Work on replacing the police Roof is scheduled to begin on June 17, 2013 and to be complete by July 24, 2013, weather permitting.

8. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the promissory note to Eastern Bank in the amount of \$250,000 for the re-bonding of the Countryside Health Care Facility, UNANIMOUS.

9. The Board reviewed Town Administrator Villani's timeline recommendation for the appointment of the Senior Building Custodian. After a brief discussion: Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the timeline as submitted, UNANIMOUS.

10. Mr. Murray suggested extending an invitation to Town Treasurer Barbara Auger to attend the next meeting to thank her for everything she has done and her years of service to the Town; and to the Milford High School Girls Softball Team in recognition of winning the Massachusetts Division I State Title and their contribution to the town and noted that they are ranked 12<sup>th</sup> in the Country.

11. The Board reviewed correspondence from Records & Burpee Animal Shows regarding the miscommunication in securing a carnival permit from the town of Milford. Town Administrator Villani noted that after consulting with Town Counsel Moody prior to the Police Chief closing down the animal show, a certificate of insurance along with an application for a carnival permit had not been filed with the town, therefore, in his opinion, the correct decision was made. He also encouraged the use of the website by individuals to obtain the necessary information for permits. He further stated that he has informed all of the specific Department Heads to encourage the definitive use of the website and direct anyone to the Selectmen's Office if there are any questions.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To refund any fees paid to the Town by Records & Burpee Animal Shows along with sending a letter of apology, UNANIMOUS.

12. Gurmit Pabla, Manager, 75 Purchase Street Corporation, d/b/a Peter's Market, 75 Purchase Street, represented by Atty. Karen D. Simao; Police Chief Thomas J. O'Loughlin, and Town Counsel Gerald M. Moody were present for a hearing to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of April 13, 2013 at or about 7:21PM at which time an employee of the establishment did sell alcoholic beverages to a minor, without any inquiry as to identification. Atty. Simao indicated that Mr. Pabla went home ill that evening and was sorry that the incident happened. She further stated that the employee responsible was immediately terminated, employees are being retrained and regular meetings with staff are scheduled. Mr. Murray moved, seconded by Mr. DeBartolomeis to take the matter under advisement, UNANIMOUS.

13. Gurmit Pabla, Manager, 75 Purchase Street Corporation, d/b/a Peter's Market, 75 Purchase Street, represented by Atty. Karen D. Simao; Police Chief Thomas J. O'Loughlin, and Town Counsel Gerald M. Moody were present for a hearing to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of April 21, 2013 Officer Falvey reported that he responded to a call reporting an intoxicated male falling down outside of a white van at the location. Also in attendance was Karen Harnett the witness who placed a 911 call. At the request of Atty. Simao, Chairman Buckley allowed the viewing of a surveillance video of the incident at the establishment to prove that no sale of beer or wine was sold to the intoxicated individual.

Mr. DeBartolomeis stated that in his opinion the owner of the establishment does not have control of the establishment and is unable to assure compliance with the law, thus endangering safety to the public. Mr. DeBartolomeis made a motion to suspend the license for thirty (30) days and that any further violation will result in a suspension of the license. There was no second.

Mr. Murray made a motion to suspend the license for fifteen days noting that a twelve day suspension had already been served for non-compliance. There was no second.

Mr. DeBartolomeis made a motion to suspend the license for thirty (30) days beginning on Saturday, June 22, 2013 and that any further violation will result in a suspension of the license. Two in favor, One opposed. (Mr. Murray in opposition). IT IS A VOTE.

14. Gene Ryan, Proposed Manager, Ann Byron, Director of Operations, Steve Scioli, Kitchen Duty Manager, TGI FRIDAYS INC. d/b/a TGI Friday's, 240 Fortune Blvd., represented by Albert A. DeNapoli, Esq.; Police Chief Thomas J. O'Loughlin, and Town Counsel Gerald M. Moody were present for a hearing to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of April 19, 2013 at or about 9:04PM at which time an employee of the establishment did sell alcoholic beverages to a minor, without any inquiry as to identification. Atty. DeNapoli stated that the establishment does have policies in place along with training every year, a "Secret Shop Program" which is an internal (sting) operation. If the bartender fails to ask for and I.D. they receive a red card and terminated. He further stated that a staff meeting to discuss the incident had been scheduled.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To send a letter of reprimand as this was his first offense and corrective action has been taken, stating however, that any further violation will result in a suspension of the license, UNANIMOUS.

15. Attorney Albert A. DeNapoli, representing TGI Friday's, 240 Fortune Boulevard, was present seeking a Change of Manager from Timothy L. Pryer to Gene Ryan. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Change of Manager, UNANIMOUS.

16. Police Chief Thomas J. O'Loughlin; Jose Goncalves, President; Anna Pires, Secretary/Treasurer and Bento Alves, member of the Portuguese Club; met with the Board to review the procedures that will be followed at the July 20 and 21, 2013 Portuguese Picnic. Chief O'Loughlin stated that he had met with the officers of the Portuguese Club after last year's picnic to address any issues of concern. 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. He further stated that additional staffing has been requested from the Massachusetts State Police. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the One-Day All Alcoholic License (2), Saturday, July 20st 12:00Noon to 1:00AM and Sunday, July 21nd 12:00 Noon to 11:00PM, UNANIMOUS. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Live Entertainment License for July 20th from 8:00PM – 12:15AM and July 21st from 7:00PM-10:45PM, UNANIMOUS. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Parade Permit for July 21, 2013, UNANIMOUS. (NB: All in accordance with the stipulations provided by the Police Chief).

17. Thomas J. Scanlon, Jr. of Scanlon & Associates, Auditor for the Town of Milford, along with Zachary Taylor, Town Accountant were present to discuss the FY12 "Management Letter." Mr. Scanlon noted that overall, the Town should be quite pleased with the report, as all indications

were that the Town of Milford was in sound financial shape, well managed with substantial reserves, a modest debt schedule and of the eighty towns that they audit, Milford ranks in the top three as to financial stability. He further stated that the town has done an excellent job in starting to fund the OPEB Liability Account.

Management Findings for the current year included the following:

1. Designated Fund Balances for Debt- Mr. Scanlon stated that the Town Treasurer has submitted an Article at the Annual Town Meeting to transfer the mentioned General Fund balances to the Stabilization Account. The Town Accountant will be closing any remaining Bond Premium held in the Special Revenue Fund at the close of fiscal year 2013 if not utilized.
2. Student Activity Checking Accounts  
The Town Accountant has organized a meeting with the respective principals in receipt of the monthly bank statements to offer assistance in how to properly reconcile to the Imprest respective balances each month. A requirement to turn over a reconciled monthly copy to the Town Accountant will also be implemented. The Town Accountant also recommends that more timely warrants be processed to replenish the Student Activity fund as to minimize any reconciling items and provide more accurate figures.
3. Indirect Costs – Sewer Fund  
The Town will review the benefits associated with implementing an indirect cost allocation of administrative and financial personnel to the Enterprise Fund. If desirable the Board of Selectmen will determine a reasonable allocation method in the form of a written policy. Mr. Taylor noted that the town should establish an Indirect Cost Committee consisting of the Town Accountant, Town Administrator and a member of the Sewer Commissioners.

As to prior year issues, Mr. Scanlon included the following recommendations:

4. Proration of Retiree Health Insurance Premiums Between Employers

As a follow-up to the prior year audit inquiring to the billing of other governmental units for fiscal year 2012, it was noted that the Town billed other governmental units on January 24, 2013 for approximately \$18,840.

5. Old Delinquent Real Estate Taxes

At the present time there are still outstanding parcels of property. The Town is aware and is researching the accounts.

Mr. Scanlon again complemented the Board and Department Heads for their efforts.

18. In response to John P. Touhey, Fire Chief who was present seeking a determination under MGL Ch. 268A § 19 as outlined in his submission of May 15, 2013: Mr. Murray moved, seconded by Mr. DeBartolomeis: That it has been determined that his nephew Matthew S. Touhey is on the

Civil Service Firefighter list and does not fall within the definition of immediate family under MGL c268A, UNANIMOUS.

19. Atty. Cezar ("Cid") M. Froelich and Atty. Kimberly M. Copp, partner in the Chicago-based law firm of Shefsky & Froelich were present to discuss the consultant data reports of traffic, water, sewer, etc. for the proposed casino as well as the number and scheduling of topics for discussion at upcoming Informational Casino meetings. Also in attendance was Town Engineer Vonnie Reis.

20. Mr. DeBartolomeis moved, seconded by Mr. Murray: To re-appoint/appoint the following, individuals to the following boards/committees, UNANIMOUS.

(Re-appointments – Term expires June 30) (\*Term expires April 30)

**ANIMAL CONTROL OFFICER (1yr. term) \***

Rochelle Thomson\*(also Inspector of Animals) 4/30/14

Keith Haynes (Asst. Animal Control Officer)\* 4/30/14

**FAIR HOUSING DIRECTOR**

Leonard C. Oliveri 6/30/14

**EMERGENCY MANAGEMENT DIRECTOR (1yr. term)**

John P. Touhey 6/30/14

George Cleveland (Deputy Director) 6/30/14

**CAPITAL IMPROVEMENT COMMITTEE (5yr. term)**

Russell Abisla 6/30/18

Richard Dean (S) 6/30/16

Michael Soares (M) 6/30/14

**COMMISSION ON DISABILITY (3yr. term)**

Harold S. Rhodes 6/30/16

Dino B. DeBartolomeis 6/30/16

Michael Nicholson 6/30/16

**Community Use Committee (3 yr. term)**

Jay E. Macklow, Esq. 6/30/16

Leonard C. Oliveri 6/30/16

William A. Fertitta, Jr. 6/30/16

**CONSERVATION COMMISSION (3yr. term)**

Joseph P. Zacchilli	6/30/16
Paul J. Braza	6/30/16

**COUNCIL ON AGING (3 yr. term)**

Francis X. Small, Esq.	6/30/16
Robert Dwyer	6/30/16
Edward Roth	6/30/16

**FAIR HOUSING COMMITTEE (1yr. term)**

Leonard Oliveri	6/30/14
Vacancy	6/30/14
Paul Mazzuchelli	6/30/14
Alfred Sannicandro	6/30/14
Maria Valenca	6/30/14

**FINANCE COMMITTEE (3yr. term)**

Michael A. Schiavi	6/30/16
Aldo L. Cecchi	6/30/16
William E. Kingkade, Jr.	6/30/16
Charles J. Miklosovich	6/30/16
Alberto A. Correia	6/30/16

**GERIATRIC AUTHORITY OF MILFORD (3yr. term)**

Joseph C. DiAntonio	6/30/16
Salvatore P. Cimino	6/30/16

**HISTORICAL COMMISSION (3yr. term)**

Anne Lamontagne	6/30/16
Robert Samiagio	6/30/16

**INDUSTRIAL DEVELOPMENT COMMISSION (3yr. term)**

Ronald Jenks	6/30/15
Michael Meurant	6/30/16
Barry Feingold Pres/CEO-MACC	6/30/16
Courtney Derderian	6/30/16

**MILFORD CULTURAL COUNCIL (3 yr. term)**

Mary Martin	6/30/16
Judy doCurral	6/30/16
Lisa White	6/30/16

**MILFORD YOUTH COMMISSION (3yr.term)**

Susan Salamone	6/30/16
Michael Walsh	6/30/16
Kristen Kibbee	6/30/16

**PERSONNEL BOARD (5 yr. term)**

Charles Abrahamson, Jr.	6/30/18
Daniel Awuku-Asante (Alternate)	6/30/15

**REGISTRARS OF VOTERS (3yr.term)**

Geraldine A. Kingkade	6/30/16
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**RENEWABLE ENERGY COMMITTEE (3yr.term)**

Brian S. Grossman	6/30/16
John F. Tehan	6/30/16
Sean Riley	6/30/16

**ZONING BOARD OF APPEALS (5yr. term)**

John Dagnese	6/30/18
Mark Calzolaio-Assoc.#3	6/30/16

21. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Community School Use Program's request to hold the Special Olympic Program-5K Road Race/Walk on September 21, 2013, UNANIMOUS.

22. The Board reviewed correspondence from Leonardo L. Morcone, Director Milford Community School Use Program requesting approval to place a storage trailer next to the new boat ramp on the land once owned by the Consigli Family and now owned by the Town of Milford for the storage of kayaks used by community use camp groups. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the request, UNANIMOUS.

23. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the request from the Italian American War Veterans Post #40 for a One-Day All Alcohol License for June 29, 2013 12:00Noon to 9:00PM, UNANIMOUS.

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



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

26. In response to the request by the Countryside Health Care of Milford, Mr. DeBartolomeis moved, seconded by Mr. Murray: To waive the building, electrical, plumbing and gas fees for the 6.2 million dollar 24 bed addition project, UNANIMOUS.

27. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the recommendation of Police Chief O'Loughlin and Town Engineer Reis to install a "Stop Ahead" sign on North Vine Street, just before the intersection of North Vine and Congress Streets,

- Convert the one-way stop at the intersection of Whitewood Road and Reservoir Road to a three-way stop intersection.
- The existing "Stop" sign on Reservoir Road is located such that an approaching motorist does not see it until they are nearly in the intersection. The existing "Stop" sign should be re-located and a stop line painted on the pavement.
- The "Stop Ahead" sign on Reservoir Road was partially obstructed by vegetation. The vegetation should be trimmed around the sign.
- Installation of "stop" sign on Highland Street at Whitewood Road, UNANIMOUS.

28. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the recommendation of Town Engineer Reis to change the parking sign on North Bow Street from "No truck or van parking" to "Compact cars only", UNANIMOUS.

29. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Block Party request of Linda Clayton of 8 Clearview Drive with the stipulation recommended by the Police Chief to occupy one side of the roadway ONLY in order that emergency vehicles would be able to respond unobstructed, UNANIMOUS.

### 30. INFORMATIONAL CORRESPONDENCE

1. COMCAST, re: Grandfathered Cable Packages
2. Mass DOT, re: Chapter 90 Funding
3. Finance Committee, re: Minutes –May 8, 2013
4. Schedule of Meetings

31. Mr. DeBartolomeis moved, seconded by Mr. Murray: To adjourn the Selectmen's meeting at 10:07PM, UNANIMOUS.

6-17-13

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Respectfully submitted:

MILFORD BOARD OF SELECTMEN

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Jean M. DeTore  
Minutes Recorder

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William D. Buckley, Chairman

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Dino B. DeBartolomeis

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Brian W. Murray, Esq.