

MINUTES OF REGULAR SESSION – JUNE 20, 2011

ROOM 03-TOWN HALL

7:00PM

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

1. Brian W. Murray, Senior Member, called the meeting to order.

2. Mr. Buckley moved, seconded by Mr. Murray: To sign the warrant and approve the minutes of June 6, 2011 as submitted, UNANIMOUS.

3. Citizen Participation:

Mr. Murray recognized Carol Hiller, 6 Prairie Street, who voiced her concerns regarding the noise level, parking, lights, and hours of operation relative to the carnival held from June 8-June 12, 2011 at 154 East Main Street sponsored by Fiesta Shows – My One Wish. Ms. Hiller stated that due to the close proximity of the houses in this neighborhood and problems that occurred, she hoped that no future permits would be issued at this site.

Mr. Murray stated that the Police and Fire Chief met with the Carnival owner prior to the opening and addressed a number of concerns including the location of rides, parking and noise level. However, both he and Mr. Buckley stated that they would be hard pressed to approve any future permits at this site due to concerns of the neighbors.

4. Michael Santora, Town Engineer, updated the Board on the Rt. 16 Intersection Project, stating that on September 17, 2004 the town of Milford was informed that the Massachusetts Department of Transportation (MassDOT) Project Review Committee approved the town's proposal for intersection improvements at seven (7) intersections in the Route 16 Corridor. Since then, the Town has hired a Land Appraiser, a Consultant and sought Town Meeting approval for Land Takings. He provided a copy of the Order of Taking for the Board to approve. He noted that at the May 23, 2011 Annual Town Meeting, it was unanimously voted to authorize the Board of Selectmen to acquire all of the permanent and temporary easements for this project and appropriated \$95,000.00 to pay the costs of damages and other associated legal and recording fees. He indicated that Town Counsel Moody drafted the Order of Taking, resulting in no legal fees and the cost to record the right of way plans will be approximately \$1,600.00. The total damages to be paid under the Order of Taking will be \$66,153.08 as listed on the Schedule. He also noted that many of the awards are for \$1.00 which represents the generous and civic minded property owners that saw fit to donate their easements to the Town. A total of 36 easements from 22 properties were donated saving the Town of Milford \$30,364.18.

The following property owners and/or their representatives donated easements:

1. Jose & Suzette Ferreira (Seaside Building, Inc.)
2. Brian & Arlene Murray (Murray Building, Inc.)
3. Joseph Mulvey (U.S. Postal Service)
4. Peter Mazzini & Kristin Carvalho (Milford National Bank & Trust Co.)
5. Bob Bodio & Cynthia Casey (Milford Federal Savings & Loan Association)
6. Frank Niro & Joe Buscone (230 Main Street LLC)
7. Ronald Pagnini, Jr. (Downtown Realty LLC)
8. Reverend Hector Quinones (Iglesia El Calvario)
9. Dominick & Tina Afonso (Afonso-Gillon Court)
10. Alex & Maria Voyiatzis (Pizza Chef)
11. Vincent Faraci (Cinosam Associates, Inc.)
12. Thomas & Clarence Morin (Opera Realty Trust)
13. Gene Sardinha (V. Sardinha Realty Trust)
14. Robert Clark & Joseph Candella (Thom Building)
15. John Fernandes & Ernie Pettinari (Milford Pond Realty Trust)
16. Pat Kennelly & David Pyne (Canyons LLC)
17. James, Anne & Angela Cossette (1 East Main Street)
18. Michael & Roseanna Elliot (Northeast Stamp & Engraving, Inc.)
19. Fr. Scioli, Msgr. Sullivan & Bishop McManus (Sacred Heart Church)
20. Bruce Taylor (E.S. T. Realty Trust)
21. Joseph Nigro (JDL Realty Trust)
22. Oscar Kamishlian (KAM Realty Trust)

Mr. Buckley moved, seconded by Mr. Murray: To approve and sign the Order of Takings as presented, UNANIMOUS.

5. Lillian Tene d/b/a Tarot Card Readings by Liliana, 42 Main Street was present seeking a Fortune Teller License. Hours of operation would be Monday-Saturday from 10:00AM-9:00PM. Mr. Buckley moved, seconded by Mr. Murray: To approve the license, UNANIMOUS.

6. Mr. Ronaldo Campos d/b/a Campos Auto Detailing and Accessories, 3 Beach Street was present seeking a Class II license. Mr. Buckley moved, seconded by Mr. Murray: To approve the license subject to amended site plan approval and payment of taxes, UNANIMOUS.

7. Mr. Gregory Bowser d/b/a Pandoras Box, 14 Main Street was present seeking a Second Hand/Antique Dealer License. Hours of operation are Monday-Saturday 8:00AM-8:00PM and Sunday 12:00AM-6:00PM. Mr. Buckley moved, seconded by Mr. Murray: To approve the license, UNANIMOUS.

8. TOWN ADMINISTRATOR'S REPORT

- Milford Water Company/Update – On Monday, June 11, 2011 Town Counsel Moody and I met with Milford Water Company officials at their request. They updated us on target dates for the construction of the new plant on Dilla Street as well as loan rates applicable by the state and various possible circumstances that could affect the rates. (credit lines, etc.) They also provided a copy of a Water Demand Mitigation Policy that they wish to discuss with the Board at a meeting this summer. Town Counsel has forwarded a copy to our consultant Mr. Russell for his review. I have enclosed copies of each document that was given to us under C-4. No action is necessary at this time.
- MHS Field Project – I had the opportunity to attend the bid opening on June 14, 2011 and I was thrilled to see the bids come in as they did. They ranged from \$2.4M to \$2.7M which is under the appropriation. The committee should be commended as this is good news for the Town of Milford.
- As you know, the deadline for filing applications for the Building Commissioner position ended on Friday, June 17, 2011. We have received 14 applications. I have asked Town Engineer Santora to assist me in this process and we will be reviewing applications and setting up interviews soon. With summer here and vacations scheduled, we will try to have the process completed by mid-August.

9. The Board reviewed the report of John Erickson, Local Inspector, regarding his recent inspection of 8 Blanchard Road. The property owned by Mr. William G. Sprague has been the subject of much debate and concern due to its state of disrepair and various health and safety violations. Mr. Erickson noted that the two most serious concerns include:

1. Structural integrity of the building. Interior flooring has been subject to serious flooding and is completely buckled, sagging, and rotting. Ceiling is falling down in many locations.
2. Broken and open windows.

He stated that these conditions place the property in violation of the Massachusetts Building Code 780 CMR115.1 which references MGL c 143§6 and that he has placed a notice of unsafe condition on the premises and prohibiting entry until the situation is further evaluated.

Town Administrator Celozzi informed the Board that he had met with Mr. Erickson, Mr. DeLuca and Mr. Sprague on June 15, 2011 and addressed the Board's concern with the property and lack of action to date. Mr. Sprague indicated that he would demolish the building and requested that he be allowed to do so by July 31, 2011.

After discussion, the Board agreed to the date but also cautioned that this has been promised in the past. They directed that, simultaneously, the Board post a hearing, in accordance with G.L. c39, Section 1, and other applicable law, on the question of whether or not the building

and property at 8 Blanchard Road is a nuisance to the neighborhood, or other danger. In the event that Mr. Sprague fails to comply with his deadline, the Town of Milford may take action to remove and/or secure any structures, the cost of which will become a lien on the property.

10. Town Administrator Celozzi reviewed the procedure followed for filling the vacancy for the (P.T.) Departmental Clerk for the Police Department. He noted that after interviewing the candidates, both he and Chief O'Loughlin recommended Donna Anderson based on her experience, knowledge and background.

Mr. Buckley moved, seconded by Mr. Murray: To appoint Donna Anderson to the position of Part-Time (15 hours) Departmental Clerk/Police Department at the hourly rate of \$17.84 effective July 5, 2011, UNANIMOUS.

11. Returning to their prior discussion, Mr. Murray requested that an assessment be sought from both the Police and Fire Chief regarding the carnival at 154 East Main Street.

Also Mr. Murray requested a report from the Trustees of Vernon Grove Cemetery of the complaints received on the condition of the cemetery over the Memorial Day holiday and what steps have been implemented or planned to prevent such an occurrence in the future.

12. Mr. Buckley 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 (1 year term)

Rochelle Thomson* 4/30/12

Keith Haynes (Asst. Animal Control Officer)* 4/30/12

FAIR HOUSING DIRECTOR (1 year term)

Leonard C. Oliveri 6/30/12

EMERGENCY MANAGEMENT DIRECTOR (1 year term)

John P. Touhey 6/30/12

George Cleveland (Deputy Director) 6/30/12

CAPITAL IMPROVEMENT COMMITTEE (5 year term)

Michael T. Stewart 6/30/16

COMMISSION ON DISABILITY (3 year term)

Charlie Hince 6/30/14

Tricia Luchini 6/30/14

Francis O'Neill 6/30/14

CONSERVATION COMMISSION (3 year term)

Noel G. BonTempo	6/30/14
Michael A. Giampietro	6/30/14
Derek F. Atherton	6/30/14

COUNCIL ON AGING (3 year term)

Josephine Magliocca	6/30/14
Stanley W. Nalewajko	6/30/14
Theresa Pluta	6/30/14
Ed Roth	6/30/13
Robert P. Dwyer	6/30/13

After reviewing correspondence from Town Administrator Celozzi listing the individuals who have indicated an interest in serving on the Council- On- Aging: Mr. Buckley moved, seconded by Mr. Murray: To appoint Robert Dwyer and Ed Roth to fill the two vacancies for a term to expire 2013, UNANIMOUS.

FAIR HOUSING COMMITTEE (1 year term)

Leonard Oliveri	6/30/12
Patrick Kennelly	6/30/12
Paul Mazzuchelli	6/30/12
Alfred Sannicandro	6/30/12
Maria Valenca	6/30/12

FINANCE COMMITTEE (3 year term)

David Morganelli, Esq.	6/30/14
John Kelley	6/30/14
Philip Ciaramicoli	6/30/14
Joyce Lavigne	6/30/14
Marc Schaen	6/30/14

GERIATRIC AUTHORITY OF MILFORD (3 year term)

Francis X. Small, Esq.	6/30/14
Richard A. Villani, Esq.	6/30/14

HISTORICAL COMMISSION (3 year term)

Ronald Marino	6/30/14
Pamela Fields	6/30/14

INDUSTRIAL DEVELOPMENT COMMISSION (3 year term)

Scott Kaplan	6/30/14
Anthony Pinto	6/30/14
Joseph Boczanowski	6/30/14

MILFORD CULTURAL COUNCIL (3 year term)

Susan Cecchi	6/30/14
Jean Marie Simmons	6/30/14
Alexandria Messom	6/30/14

MILFORD POND RESTORATION COMMITTEE

Dino B. DeBartolomeis	William Kingkade, Jr.
Frederick Andreotti	James Marcello
Robert Buckley	Santo Mazzaelli
David Condrey	Paul Mazzuchelli
Reno DeLuzio	Michael Santora
Achille Diotalevi	Richard Swift
Larry Dunkin	Paul Tangusso
Michael Giampietro	Vincenzo Valastro
Donna Horrigan	Scott Vecchiolla
Steven Janock	Joseph Zacchilli
Ronald Jencks	

MILFORD YOUTH COMMISSION (3 year term)

Francis Trafecante	6/30/14
Stephen Manguso	6/30/14

PERSONNEL BOARD (5 year term)

Warren S. Heller, Esq.	6/30/16
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REGISTRAR OF VOTERS (3 year term)

Elizabeth M. Hachey	6/30/14
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RENEWABLE ENERGY COMMITTEE (3 year term)

Kathryn L. Mastroianni	6/30/14
Thomas Jaworek	6/30/14
Dr. Nicholas Guido	6/30/14
Catherine Guido	6/30/14

ZONING BOARD OF APPEALS

Christopher Pilla (Alternate #1) (3year term)6/30/14

Mr. Buckley moved, seconded by Mr. Murray: To amend the previous motion and appoint/re-appoint the following:

ZONING BOARD OF APPEALS (5year term)

David H. Pyne 6/30/16

Christopher Pilla (Alternate #1) (3year term)6/30/14

13. Mr. Buckley 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 10, 2011, UNANIMOUS.

14. In response to the request from Carlos Benjamin, Manager of EMZ Mart, LLC d/b/a Isabelle's, 335 ½ Main Street to amend his Wine and Malt Common Victualler license to a Wine and Malt With Cordials license: Mr. Buckley moved, seconded by Mr. Murray to amend the license, UNANIMOUS.

15. The Board reviewed correspondence from Police Chief O'Loughlin requesting that they authorize Dispatcher Rebecka LaPierre to receive the difference in her monthly wages from the military and that which she would have earned in her full-time position as a Public Safety Dispatcher since receiving order from the United States Navy changing her status from reserve to active service for a period of one year commencing on August 5, 2011. Mr. Buckley moved, seconded by Mr. Murray to approve the request, UNANIMOUS.

16. The Board reviewed correspondence from Town Counsel Moody summarizing the Vernon Grove Cemetery account funds and a clarification of the limitations on each account:

Perpetual Care Principal- This is a "non-expendable" fund maintained on the books of the town for the purpose of generating interest that then can be expended by the town for purposes of the care and maintenance of the cemetery facilities.

Perpetual Care Interest - The interest from the Perpetual Care Fund is intended to be expended for the general care and maintenance of the Vernon Grove Cemetery. The funds can only be expended with Town Meeting appropriation.

Pond Bequest Principal Avis -This principal amount came from a bequest from an individual known as Avis Pond and it came to the town in or about 1990. These funds can only be expended upon appropriation by Town Meeting only for the purposes of the bequest. (any purpose related to cemetery operations, including acquisition of new property, but only with a Town Meeting vote.

Avis Pond Bequest Interest – This sum may be handled differently and can be expended by the trustees, without Town Meeting appropriation, but only with the approval of the Board of Selectmen.

Sale of Lots Fund – These funds may be expended for all purposes related to cemetery operations but, again, only with Town Meeting appropriation.

17. INFORMATIONAL CORRESPONDENCE

1. Personnel Board, re: Personnel By-Laws.
2. Finance Committee, re: Minutes of April 13, April 20, April 27 and May 4, 2011.
3. MA State Lottery Commission, re: Milford Mini Mart-Keno To Go.
4. Milford Water Company, re: FYI.
5. Council on Aging, re: Minutes of May 20, 2011.
6. Schedule of Meetings.
7. Town Counsel, re: Possible Nuisance and Vacant Property By-law.
8. Dept. of Inspections, re: May 2011 Monthly Report.
9. MASSDEP, re: Response to Correspondence of 6/7/11.

Invitations

1. Milford Legion Baseball Club, Inc., re: Larson Memorial Award – June 24, 2011

18. The Board reviewed correspondence from Town Counsel Moody proposing a Nuisance and Vacant Property By-law. Mr. Murray requested that Anthony F. DeLuca Jr., Building Commissioner and Larry L. Dunkin, AICP Town Planner review the by-law and provide Town Counsel Moody with input and any recommendations.

19. The Board reviewed correspondence from the Department of Environmental Protection relative to their response to the Board's June 7, 2011 letter which raised several issues concerning MassDEP's most recent sanitary survey of the Milford Water Company. Mr. Buckley stated that Mass DEP noted the concerns and will continue to work to ensure that the water delivered by Milford Water Company to consumers is fit and pure but did not directly answer several questions that had been raised.

20. Mr. Buckley moved, seconded by Mr. Murray: To adjourn the Selectmen's meeting at 8:10PM, UNANIMOUS. ROLL CALL VOTE: Selectmen Murray and Buckley both vote in the affirmative to go into Executive Session to discuss Sewer Collective Bargaining Issues, a Stipend Adjustment for Labor Counsel and a land proposal.

Respectfully submitted:

Jean M. DeTore
Minutes Recorder

MILFORD BOARD OF SELECTMEN

Dino B. DeBartolomeis, Chairman

Brian W. Murray, Esq.

William D. Buckley