

MINUTES OF REGULAR SESSION –AUGUST 26, 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. Murray: To sign the warrant, UNANIMOUS.
2. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the minutes of August 5, 2013 as submitted, UNANIMOUS.
3. Citizen Participation - Chairman Buckley recognized the following individuals:
 - Michael Timm, 38 Field Pond Road raised several questions:
 1. How many times has the Board met with the Tribal Council? Chairman Buckley stated that the Board has never met with the Tribal Council.
 2. Mr. Timm noted that after he reviewed the Draft Host Agreement relative to Tribal Immunity questioned why the time was not taken to include stronger language. He also suggested that the Board meet with the Tribe and seek written approval to waive their immunity as part of the host agreement.
 - Timothy Spino, 15 Wales Street voiced his concern relative to past indictments on Enron and Foxwoods CEO's and bankruptcy filings.
 - Barbara Morganelli, 4 DiVittorio Drive, on behalf of Casino Free Milford cordially invited the Board to attend and participate in the Citizens Forum scheduled for October 17, 2013 at 7:00PM in Upper Town Hall. Chairman Buckley noted that he planned on attending.
 - Jeffrey Howard, 23 Zain Circle expressed concern relative to construction traffic and suggested the need to include a proposed timeline as part of the host agreement.
 - Rosemary Trettle, 9 Ferguson Street noted that she heard rumors and asked the members of the Board if they were meeting individually with representatives from Foxwoods. Chairman Buckley stated that he never met with any Foxwoods representatives other than at a public hearing. Mr. Murray stated he never had any private meetings and that he felt the process has been open and very public. Mr. DeBartolomeis stated that he did meet with about 25 Milford residents at his home to discuss issues related to the Casino. He also stated he met with Sean Reardon of Tetra Tech to review the traffic report.
4. A Public Hearing continued from August 5, 2013 at the request of Massachusetts Electric, to allow them to submit a new Petition and Plan #13615779 to Relocate P2 Cemetery Street beginning at a point approximately 220 feet east of the centerline of the intersection of Claflin

Street and continuing approximately 20 feet in an easterly direction. James Boudreau from Blair House Nursing Home was in attendance.

Town Administrator Villani noted that an updated list of the status of double pole removal had been submitted for the board's review. Mr. Murray expressed displeasure in the lack of effort to remove more of the double poles and since a representative from Massachusetts Electric was not present: Mr. Murray moved seconded by Mr. DeBartolomeis to continue the public hearing and requested that Town Administrator Villani request a more definitive and aggressive plan from National Grid and Comcast for removal of the double poles, UNANIMOUS.

5. TOWN ADMINISTRATOR'S REPORT

1. Town Hall Windows Update – We have now rebid the Town Hall Window Project. The scope of the project has been changes to include certain windows being repaired and restored on site and certain windows being repaired and restored off site and then reinstalled. Publication was in the Central Register on August 21, 2013. Bids are due on September 18, 2013. The Historical Commission has approved the windows being repaired and restored.
2. Town Hall Roof Update - We have now rebid the Town Hall Roof Project. The scope of the project has been changed to re-shingling the roof. At this time we will not be including replacement of the flashing, aprons, gutters or snow guards. Publication was in the Central Register on August 21, 2013. Bids are due on September 6, 2013.
3. Update Double Poles – Pursuant to the Boards Request for a Report on this issue, I arranged a meeting with Robert Russell form National Grid, Jon Adams from National Grid, Frank Foss from Comcast, Ellen Cummings from Verizon, and Deputy Chief William Touhey. The purpose of the meeting was to request a joint Report on the number of double poles remaining in Milford and to develop a Plan for their removal. There were 129 Poles in August 2012. 168 Poles were removed from August 2012 to August 2013. Additional Poles were added, and to date there are 77 Poles remaining. The Plan is to concentrate on removing Poles on Main Street and Purchase Street. Comcast will provide a complete full survey of Double Pole Inventory and provide a more detailed plan of action based on the survey. National Grid will be providing monthly progress Reports and once the Fire Department has proper access to the shared PLM (Pole Lifecycle Management) software, Deputy Chief Touhey will be able to provide the Reports. This will allow the Board to chart the progress of the removal of the Poles.

6. Town Counsel Gerald M. Moody along with Atty. Cezar ("Cid") M. Froelich, Atty. Kimberly M. Copp, and Atty. Michael J. Schaller consultants from the firm of Shefsky & Froelich were present to discuss the draft Host Community Agreement in relation to the proposed casino. Town Counsel Moody noted that the concerns and issues identified by the Board and the Board's consultants over the past several months have been discussed publicly and the concern of sovereign immunity is solid in the host agreement. He further stated that there will be intensive discussions over the

next week to address the concerns and issues identified by the board in this draft host agreement this evening.

Chairman Buckley called upon Town Administrator Villani to summarize the information provided to the Board by Department Heads after a meeting on August 20, 2013 with the Town Administrator relative to a summary of mitigation issues on traffic, water, sewer, funding needed for fire and police personnel, impact on Chapter 70 in the Milford public schools along with funds requested by Frank Saba, Chief Executive Officer of Milford Regional Medical Center relative to Capital projects and funding for additional staffing . Mr. Buckley commended them for providing comprehensive responses. Town Administrator Villani stated that he also met with David Condry, Manager of the Milford Water Company. Each member of the board discussed and commented on the Reports prepared by the Town Department heads.

Chairman Buckley recognized Atty. David Morganelli, Finance Committee Member requesting that he summarize the report provided by the Finance Committee relative to their review of the draft host agreement. Atty. Morganelli identified concerns with the following: Real Estate Tax-guaranteed minimum level payment, mitigation measures for additional staffing, timing of funds, capital improvements, CPI, Unemployment Escrow, OPEB, Local Hiring and Residency Requirement, Community Development Fund; other community needs, arbitration of mitigation needs, indemnity coverage, MBE/WBE designation, netting of minimum annual percentage payment, liquidated damage clause, school impact, dual tax rate, reduction in State Aid, escrow for financial reversals, sovereign immunity, term of agreement; reopener, comparison with other host community agreements and request from finance committee to review any host agreement, provide input and meet with the Board of Selectmen prior to it being executed.

Also a Comparison of Host Community Agreements was provided by Shefsky & Froelich.

(Note: All reports mentioned above are posted on the town's website)

It was the consensus of the Board to schedule a meeting for Wednesday, September 4, 2013 at 6:30PM Room 03, Milford Town Hall to review the Second Draft Host Agreement.

Chairman Buckley then asked the Board members for their comments on the draft Host Community Agreement. Mr. DeBartolomeis indicated the progress has been fine and he would like the attorneys to go back and tweak the Agreement and make it better. He wants the best possible Agreement people can look at. Mr. Murray indicated he did not have anything additional to build on and that residents could contact him if they had any questions. Chairman Buckley wanted language in the Agreement regarding sound barriers to protect the residents, \$30 million for the base like Everett is getting, state aid be included, Hospital and Town mitigation money, clarity on the "best efforts" language, language to protect the Town's Water Reserves, and that he did not want to earmark funds in the Agreement.

7. Chairman Buckley called upon Town Engineer Reis to review the process for the proposals submitted and interviews the Selection Committee conducted for engineering design services for

the Milford Youth Center renovation project. Mr. DeBartolomeis moved, seconded by Mr. Murray: To award the contract to OMR Architects for the negotiated fee of \$299,500, UNANIMOUS. Mr. Murray requested to amend the motion to read: Mr. DeBartolomeis moved, seconded by Mr. Murray: To award the contract to OMR Architects and the Armory Renovation Committee will enter into the negotiated contract for \$299,500, UNANIMOUS.

8. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the request of Café Sorrento. 143 Central Street for a One Day All Alcohol License for Sunday, September 15, 2013 from 1:00PM-6:00PM, UNANIMOUS.

9. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the request of Italian American Veterans Post #40. 4 Hayward Field for a One Day All Alcohol License for Saturday, September 7, 2013 from 11:00AM-9:00PM, UNANIMOUS.

10. Mr. DeBartolomeis moved, seconded by Mr. Murray: To accept, with regret, the notification of retirement of Ms. Paula Fortin and approve her request to appoint Ms. Theresa Dias to fill the position of Acting Tax Collector until April 2014, UNANIMOUS.

11. After reviewing correspondence from Susan Clark former Director of Community Development: Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve her request to appoint Ms. Melissa Alves Tomas as interim Director, UNANIMOUS.

12. Mr. DeBartolomeis moved, seconded by Mr. Murray: To accept the \$75.00 gift from Gary and Carole Miller to be deposited in the Milford Fire Department Gift Account, UNANIMOUS.

13. After reviewing correspondence from Town Engineer Reis regarding removal of a handicap parking sign at the intersection of Sumner and East Main Streets, Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the recommendation of Town Engineer Reis to remove the sign that is closest to the Stop sign and clear marking with paint on the pavement of the locations of the two handicapped spaces, UNANIMOUS.

14. Mr. DeBartolomeis moved, seconded by Mr. Murray: To accept, with regret, the resignation of Theresa Calcagni from the Commission on Disability, UNANIMOUS.

15. After reviewing correspondence from Town Engineer Reis requesting approval of Change Order #2 for the Church Street, Bancroft Avenue and Draper Park Roadway improvements; Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the above change order, UNANIMOUS.

16. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Parking Clerk's request to place a message on the November tax bills to read as follows: "Winter Parking Ban is in effect

December 1, 2013 through March 15, 2014. Parking on the street is prohibited between 12AM-6AM. Signs announcing Milford's parking ban are posted on major roads leading into Milford including Routes 16, 85, 109 and 140. Individuals in violation of the Winter Parking Ban are subject to a \$25.00 fine," UNANIMOUS.

17. INFORMATIONAL CORRESPONDENCE

1. Department of Public Utilities, re: Notice of Public Hearing and Request for Comments
2. Finance Committee Minutes of June 12, June 26 and August 7, 2013
3. Milford Housing Authority, re: Resignation-Paul A. Mazzuchelli
4. Worcester County Selectmen's Association, re: Upcoming meetings
5. Demakis Law Offices, P.C., re: 99 Restaurant & Pub - routine maintenance
6. Schedule of Board Meetings

18. A brief discussion ensued regarding the use of the property adjacent to Louisa Lake. It was the consensus of the Board to request Town Counsel review the process to ensure that the property remains open Space/Passive Recreation land and that no building can be established on the property.

19. Mr. DeBartolomeis moved, seconded by Mr. Murray: To adjourn the Selectmen's meeting at 9:12PM, UNANIMOUS.

Respectfully submitted:

MILFORD BOARD OF SELECTMEN

Jean M. DeTore
Minutes Recorder

William D. Buckley, Chairman

Dino B. DeBartolomeis

Brian W. Murray, Esq.