

MINUTES OF REGULAR SESSION –September 9, 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. Chairman Buckley noted that the Board would be passing over the approval of the minutes of August 26 and September 4, 2013 until they are completed.

3. Citizen Participation - Chairman Buckley recognized the following individuals:

-Lloyd Currie, 23 Simon Drive – Mr. Currie noted that in his opinion the Board was in violation of the open meeting law on several occasions. He also expressed concern for several of the items in the Host Agreement for the proposed Casino. Chairman Buckley determined that this was not an opportunity to voice his opinions on this subject and that he was entitled to send his comments to the Attorney General and therefore dismissed any further comment. However, he did give the Board members an opportunity to respond. Mr. DeBartolomeis stated that he did meet with Sean Reardon –Traffic Consultant/Foxwoods in an effort to fully understand the data surveys taken relative to Traffic. Mr. Murray stated that he was not aware of the meeting until it was mentioned at the August 26, 2013 Selectmen's meeting.

-Joseph Cosentino, 22 Fountain Street –Mr. Cosentino voiced his concern relative to the Traffic Studies that were being done for the proposed Casino and questioned why Fountain Street was not included since a number of schools were in the area and requested clarification.

-Michael Timm, 38 Field Pond Road – Mr. Timm noted that in his opinion there was a great concern from the residents of Milford that the reports from the consultants, etc. regarding the proposed casino were not being received in a timely fashion and proceeded to make several accusations towards public officials. Chairman Buckley stopped the discussion.

4. Atty. Ryan P. Avery representing Ty Tran d/b/a Lucky 9, 119 East Main Street was present for the Public Hearing seeking a transfer of the Restaurant All Alcohol, Common Victualler license from Mango Thai Cuisine. Atty. Avery noted that Mr. Tran is requesting a change of license type to General on Premises as well as a change of location. In addition, he is requesting a Pool Table License. Atty. Michael Noferi representing Mango Thai Cuisine noted that the Mango Restaurant is moving to another location, however, since they no longer have a use for the liquor license, are requesting a transfer of the liquor license. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the transfer and change of license type, and change of location, UNANIMOUS.

Mr. DeBartolomeis moved seconded by Mr. Murray: To approve the request from Ty Tran d/b/a Lucky 9 for a Pool Table License at 119 East Main Street, UNANIMOUS.

Mr. DeBartolomeis suggested that Mr. Tran keep the board informed of the renovations being done at the proposed location and work closely with the Police Chief regarding alcohol server training and the rules and regulations relative to the serving of alcohol.

5. Police Chief Thomas J. O'Loughlin and Detective Jay Ball were present for the public hearing to discuss the proposed Revised Rules and Regulations for Second Hand Dealers. Chief O'Loughlin noted that Nathan's Jewelers has been following one of the proposed procedures for over a year with a positive result. Detective Ball noted that with an increase in property crime, there has also been an increase in people coming from other states to sell stolen property to vendors in Milford. Chairman Buckley recognized:

-Jane Robinson owner of Central Street Resale who voiced her concerns relative to the distinction and clarification of the sale of second hand items such as clothing and furniture as opposed to jewelry.

-Richard Goldberg owner of Marshall's Jewelers proposed changing the thirty day (30) hold to (14) days and not allow "cash for gold," and only accepting checks.

Chairman Buckley noted that the Board will take this first draft of the changes to the Rules and Regulations for Second Hand Dealers under advisement and requested that Chief O'Loughlin summarize the proposed concerns from the license holders in another draft to the Selectmen. He further noted that another public hearing will be scheduled and a copy of the second draft will be forwarded to the license holders.

#### 6. TOWN ADMINISTRATOR'S REPORT

- Town Hall Roof Update – Bids for the Town Hall Roof Project were opened on September 6, 2013. There were four (4) bids all within the amount appropriated for the project. The bids will now be evaluated and we hope to have a contract for the Board at the next meeting.
- Milford Youth Center – I am informed by Town Engineer Vonnie Reis that the Design Selection Committee has chosen OMR Architects as the Design Architect for the Milford Youth Center Renovations. They hope to have a final contract for the Board at the next meeting.
- Police Roof – Work on replacing the Police Roof is nearing completion. Work should be completed by the end of next week at which time a walk through will be scheduled and a Punch List prepared as required. .

7. Chairman Buckley called upon Town Administrator Villani to summarize the proposed net metering contract. Mr. Villani noted that there were two (2) Net Metering Contracts, one for the Solar Facility to be located in Norton, MA and one for the Facility to be located in Dighton, MA. He further stated that Enfinity is one of the largest solar owner/operators in the world. The projects represent an additional 5.3mm kwh of net metering credits to be allocated to the Town under the

same pricing terms as the prior Agreement with Northbridge, namely 9.5 cents with an annual escalator of 3%. The present retail rate is 14.5 cents. The additional value of the new Agreement is \$9.4 million over 20 years and a first year savings of \$266,000.00. He also stated that Town Counsel has reviewed the contracts and his requested revisions have been incorporated. The length of the contracts are five (5) years with a commitment from the Board to seek approval at the October 21<sup>st</sup> Special Town Meeting for an additional 15 year term.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To sign the five (5)-year contracts at this time, with a commitment from the Board, to seek approval at the October Special Town Meeting for an additional 15 year term, UNANIMOUS.

8. Town Counsel Gerald M. Moody along with Atty. Cezar ("Cid") M. Froelich, Atty. Kimberly M. Copp, consultants from the firm of Shefsky & Froelich and Robert L. Allen Jr., Counsel for Crossroads, LLC were present to discuss the Host Community Agreement in relation to the proposed casino. A discussion ensued relative to the amendments made in the updated Host Community Agreement with each member voicing their concerns or comments.

Mr. DeBartolomeis moved seconded by Mr. Murray: To approve the Host Community Agreement by and between the Town of Milford and Crossroads Massachusetts, LLC, in substantially the same form as the Host Community Agreement submitted to the Board of Selectmen and authorizes the Board of Selectmen to execute the Host Community Agreement and cause the Town to be bound by the Host Community Agreement. Two in favor, One opposed. (Mr. Buckley in opposition). IT IS A VOTE.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To authorize and approve the holding of an election in accordance with M.G.L. c23K, §15(13) (the "Election"), upon receipt of a written request for such an Election from Crossroads Massachusetts, LLC; and authorizes and approves the holding of such Election prior to a positive determination of suitability having been issued to the Developer (as the applicant for the Category 1 license) by the Commission in accordance with 205 CMR 115.05(3) prior to the Developer's request for such Election, on the condition that, prior to such Election, and at the expense of the Developer, the Town will conduct a process for informing the community about the Commission's determination of suitability standards and procedures in accordance with 205CMR 115.05(6). Two in favor, One opposed. (Mr. Buckley in opposition). IT IS A VOTE.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To hold an Election in accordance with M.G.L. c23K, §15(13) on November 19, 2013; and directs the Town Clerk to take all action necessary or appropriate to hold such Election in accordance with M.G.L. c.23K, § 15(13), UNANIMOUS.

After a brief discussion, suggestions were as follows: That Foxwoods send a copy of the Host Agreement to each household, schedule a series of informational meetings at the Senior Center, Youth Center and Schools.

Robert L. Allen, Jr. Counsel for Crossroads, LLC noted that after discussions with Town Planner Dunkin, he suggested submitting the proposed zoning change after "the election".

At 8:45PM Chairman Buckley recessed the meeting in order for the consultants to exit the meeting.

At 8:52PM Chairman Buckley reconvened the meeting.

9. Town Counsel Moody updated the Board on the decision rendered by the DPU on the Milford Water Company Water Rate Increase. He noted that the Company originally sought an 82.7% increase but will receive a little less than 53%. He also stated that the decision rendered by the DPU is rather lengthy and complex but one of the most significant aspects of this decision is that in a number respects, and different locations, the DPU has now set out very detailed requirements for the Milford Water Company in all of its dealings with its affiliated companies in the future. Also, for the first time, there will be requirements on the Company to undertake processes which provide true transparency, including, presumably, bidding processes. He also suggested that because the data compiled for the DPU Hearing is current, the Board may wish to submit an article at the Special Town Meeting to appropriate funds to hire a consultant to review the possibility of the town purchasing the Water Company.

It was the consensus of the Board to authorize Town Counsel to draw up an article for submission.

10. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the request from the Milford Youth Center, 24 Pearl Street for a One Day Wine and Malt License for Friday , October 25, 2013 from 8:00PM-12:00Midnight, UNANIMOUS.

11. After reviewing correspondence from TGI Friday's requesting to post a 3' by 3.5' trailblazing sign with their logo and a left arrow mounting to be located on Cedar Street between Dilla and Old Cedar Street, Mr. Murray made a motion to approve. There was no second.

After a brief discussion relative to the procedure of sign approval, Chairman Buckley requested that Town Administrator Villani seek input from Town Planner.

12. After reviewing correspondence from Lyn Lovell, Secretary of the Vernon Grove Trustees, Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the expenditure of funds from the Avis Pond Bequest Interest Fund to purchase a pole chain saw in the amount of \$700.00, UNANIMOUS.

13. Mr. Murray moved, seconded by Mr. DeBartolomeis: To appoint Marcia Andreano to the Council on Aging, UNANIMOUS.

14. Mr. DeBartolomeis moved, seconded by Mr. Murray: To accept, with regret, the resignation of John Kelley from the Finance Committee, UNANIMOUS.

15. Mr. DeBartolomeis moved, seconded by Mr. Murray: To accept, with regret, the resignation of Sean P. Riley from the Renewable Energy Advisory Committee, UNANIMOUS.

16. INFORMATIONAL CORRESPONDENCE

None

17. Mr. DeBartolomeis moved, seconded by Mr. Murray: To adjourn the Selectmen's meeting at 9:14PM, UNANIMOUS.

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.