

MINUTES OF REGULAR SESSION –SEPTEMBER 24, 2012

ROOM 03-TOWN HALL

7:00PM

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

1. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To sign the warrant and approve the Minutes of September 10, 2012 as submitted, UNANIMOUS.

2. Citizen Participation – None.

3. Victor R. Valenti, Chairman of the Milford Board of Library Trustees and members George A. Clemens, Jr., Rory A. D'Alessandro, John P. Burns and Lisa Bacchiocchi were present to fill, with the Board of Selectmen, the existing vacancy of the late Richard Person. Chairman Murray explained the Roll Call Vote procedure and called for nominations. Mr. Valenti moved, seconded by Mr. D'Alessandro to nominate Kate Mastroianni. Mr. Valenti moved, seconded by Mr. D'Alessandro to nominate Giancarlo Bon Tempo. Roll Call Vote: Mr. Valenti, Mr. D'Alessandro and Ms. Bacchiocchi vote in the affirmative to appoint Kate Mastroianni to the position of Library Trustee. Three in favor, motion failed. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To appoint Giancarlo Bon Tempo to the position of Library Trustee. Roll Call Vote: Mr. Burns, Mr. Clemens, Chairman Murray, Mr. DeBartolomeis and Mr. Buckley vote in the affirmative to appoint Giancarlo Bon Tempo to the position of Library Trustee. (5-3). Mr. Bon Tempo is elected to fill the unexpired term of Mr. Person.

4. TOWN ADMINISTRATOR'S REPORT

- Chamber of Commerce – On September 20, 2012 Police Chief O'Loughlin and I met with the Executive Board of the Chamber of Commerce at the Avecia Co. on Fortune Blvd. We made a presentation on ICE's IMAGE program and outlined the various procedures involved. We answered questions and the members appeared to be favorably disposed to the program.
- The Greenleaf Garden Club has informed me that they have been contacted by Celebrate Volunteerism, a NE Patriots Charitable Foundation. They would like to partner with the Club and highlight public service by having two players and staff help plant flowers at Draper Park and the Town Library. I believe that this will be happening tomorrow.

5. Town Administrator Celozzi outlined the guidelines and preliminary recommendations of the Financial Team consisting of himself, Paul Abbondanza, Financial Analyst/Finance Committee; Barbara A. Auger, Town Treasurer; Gerald M. Moody, Town Counsel and Zachary Taylor, Town Accountant as follows:

- Utilize \$1.M from Free Cash to reduce the tax rate.

- Put \$500,000 into the Stabilization Fund.
- Support funding of all Special Town Meeting articles subject to the recommendation of the Finance Committee and obviously Town Meeting action.
- Recommend that the Board of Selectmen support the utilization of Free Cash for the Milford Pond project as opposed to bonding the project.
- The remaining Free Cash will be approximately \$1.M which will be available between now and the May, 2013 Annual Town Meeting for any unforeseen expenses.

After a brief discussion, it was the consensus of the Board that they support the recommendations but that they will refrain from a formal vote until the Finance Committee completes their deliberations.

6. John Finley, Manager of Milford Common Real Estate Trust (formerly King Real Estate Corp Trust) c/o Creative Development Co. Management LLC and Tom Luby of Enstrat met with the Board to request access to Town-owned Land adjacent to the property at 47 Sumner Street. This request is for the purpose of installing two monitoring wells which would provide accurate readings in testing ground water levels and soil to maintain safe drinking water. Mr. Finley stated that as a result of testing done pending the sale of his property, petroleum hydrocarbons were discovered in two areas on the property and some petroleum has likely migrated under the Milford Bike Path and possibly under a limited portion of the Votolato baseball field property. Mr. Luby presented a Site Plan of 47 Sumner Street. After a discussion, Chairman Murray requested a Memorandum of Understanding from Mr. Finley which would specify that the town would not be liable beyond the testing of soil and drinking water standards. Mr. Murray recognized Town Counsel Moody and requested his input. Mr. Moody stated that he would prepare an Indemnification Agreement that would provide the town with the necessary protection. It was the consensus of the Board to take no action on the request until the Indemnification Agreement is developed and approved by all parties.

7. Town Administrator Celozzi provided the Board with a copy of the warrant for the October 22, 2012 Special Town Meeting. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the warrant as submitted, UNANIMOUS.

Chairman Murray requested that Town Administrator Celozzi obtain a written summary from the Finance Committee Chairman on Article 5 and the Capital Improvement Committee Chairman on Article 31 as to why they should be supported and invite both Chairmen to the October 15, 2012 meeting to discuss the articles.

8. The Board reviewed correspondence from Town Counsel Moody regarding the appeal of the Scioli Corporation d/b/a Scioli's Pizza Bar relative to the decision of the Alcoholic Beverages Control Commission which upheld the suspension of their Alcoholic Beverages license for a three (3) week period;

and the appeal to Superior Court for a consolidation of a hearing on the merits of any hearing for preliminary injunction.

Mr. Buckley noted that a potential Conflict of Interest exists and informed the Board that he will recuse himself from the discussion. He left the meeting at 7:45PM.

Mr. DeBartolomeis moved, seconded by Chairman Murray: To set the suspension of the All Alcohol license of the Scioli Corporation d/b/a Scioli's Pizza Bar, 146 South Main Street for a three week period beginning Friday, October 12, 2012 at 12:01AM and extending through 11:59PM on Thursday, November 1, 2012, UNANIMOUS.

At 7:49PM Mr. Buckley returned to the meeting.

9. With the implementation of ICE's IMAGE program by the Town of Milford, Mr. Buckley suggested looking into the possibility of extending the program by inserting language in any Town Contracts, i.e. construction, painting, etc. After a brief discussion it was the consensus of the Board to review Town Counsel's previous memo relative to Business Entities employing undocumented workers.

10. Chairman Murray noted the efforts of the members of the Historical Commission this past Sunday commemorating the 100<sup>th</sup> anniversary of the dedication of the General Draper statue. Specifically, he requested that a letter of appreciation be sent to Anne Lamontagne thanking her for a job well done in organizing this memorable event.

11. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the request from John Erickson, Building Commissioner seeking three (3) years, nine (9) months of service credit for the purpose of vacation entitlement, UNANIMOUS.

12. After reviewing correspondence from Lyn Lovell, Secretary of the Vernon Grove Trustees, Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve the expenditure of funds from the Avis Pond Fund to:

1. Finish the remainder of the rows of slate stones (7,800.00)
2. Repair and set up 35 stones that are now down due to falling tree limbs and old stones in need of repair (cost \$1,950.00)
3. Repair the roof on the old brick tomb (building) (bid for \$2,000.00) **a total of \$11,750.00,**  
UNANIMOUS.

13. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To approve a Permit to Obstruct – Toll Road sponsored by the Milford Lions Club at the intersection of Route 16 and Route 109 on Saturday, October 13, 2012 from 9:00AM-2:00PM, with a rain date of October 20, 2012, UNANIMOUS.

14. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To appoint Margaret Myatt to the Milford Pond Committee, UNANIMOUS.

15. Town Administrator Celozzi provided the Board with correspondence informing them of his intent to retire on or about May 10, 2012. He expressed his gratitude to both the Board of Selectmen and all town employees for their support and cooperation throughout the years. The Board will discuss the selection process at an upcoming meeting.

16. The Board reviewed correspondence from the Town of Mendon's Board of Selectmen requesting the possibility of contracting with the Town of Milford through an Inter-Municipal Agreement for associated inspection services. Chairman Murray requested that the Town Administrator seek additional information including statistics of the collection of fees and permits for the last five years to determine if the proposal would be cost effective. He also directed the Town Administrator to provide a recommendation at an upcoming meeting.

17. The Board reviewed correspondence from John Tehan, Chairman of the Renewable Energy Committee seeking the Board's approval to appoint Brian Grossman as a member of the Committee. It was the consensus of the Board to take no action at this time as there were concerns that Mr. Grossman is a member of Prince Lobel Tye LLP's Renewals Energy Practice Group, one of the companies that submitted a proposal for clean electricity from a commercial solar farm in Northbridge. Also, the Board requested that Town Administrator Celozzi send a memo to the Renewable Energy Committee indicating that an RFP for the clean electricity project be developed in order to streamline the process.

18. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To appoint Harold S. Rhodes to the Commission on Disability, UNANIMOUS.

19. Chairman Murray requested that the Finance Committee-General Guideline Report be forwarded to Town Treasurer Barbara Auger, Town Counsel Gerald Moody, Town Accountant Zachary A. Taylor and Town Administrator Celozzi for their review and evaluation and to provide a report for the Board.

## 20. INFORMATIONAL CORRESPONDENCE

1. Ethics Commission, re: Advisory Opinion – Fundraising by Municipalities
2. Council on Aging, re: Minutes of 6/19/12
3. Finance Committee, re: Minutes of 6/13/12 and 6/27/12
4. Harold S. Rhodes, re: Application for Appointment/Commission on Disability
5. Commonwealth of MA, re: Building Code Enforcement Official Certificate-Timothy J. Aicardi
6. Finance Committee, re: General Guidelines/Finances
7. Town Engineer, re: Water St./Prospect St. Intersection Update

- 8. Milford Pond Restoration Committee, re: Minutes of 8/22/12
- 9. Commission on Disability, re: Recommendation/Vacancy
- 10. Schedule of Meetings
- 11. Saint Gobain, re: FY12 EDIP Annual Reporting Form

21. Mr. DeBartolomeis moved, seconded by Mr. Buckley: To adjourn the Selectmen's meeting at 8:17PM, UNANIMOUS. ROLL CALL VOTE: Chairman Murray, Selectmen DeBartolomeis and Buckley vote in the affirmative to go into Executive Session to discuss a Contract Proposal for the Town Accountant and Police Association Collective Bargaining issues, UNANIMOUS.

Respectfully submitted:

MILFORD BOARD OF SELECTMEN

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Jean M. DeTore  
Minutes Recorder

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Atty. Brian W. Murray, Chairman

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Dino B. DeBartolomeis

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William D. Buckley