

MINUTES OF REGULAR SESSION – September 26, 2011

ROOM 03-TOWN HALL

7:00PM

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

1. Mr. Murray moved, seconded by Chairman DeBartolomeis: To sign the warrant and approve the Minutes of September 12, 2011 as submitted, UNANIMOUS.

2. Citizen Participation – None.

3. Scheduled Appointments – None.

4. TOWN ADMINISTRATOR'S REPORT

- I met with the Capital Improvement Committee on Tuesday, September 20, 2011 to review the articles being sponsored by the Board of Selectmen. They appeared to be most supportive but they do have many more articles to review.
- I have scheduled an appointment for the Milford Youth Commission for Monday, October 3, 2011 as part of our regular meeting.
- Unless the Board has an objection, as you know, with the painting of the exterior of the Town Hall, under the Design Selection Law, an RFP for an architect for a project of this size has to be issued. It is already included in the Special Town Meeting warrant.
- Meeting with ICE officials – As I reported, the letter from Chief O'Loughlin has been forwarded to Washington. Indications are that they will meet with the Board but not in Open Session due to the confidentiality of their work and to protect their agents.

Chairman DeBartolomeis commended Town Administrator Celozzi for his efforts in trying to assist James Sanchioni, Director Youth Commission to develop program forms, and a budget, in response to the recent budget deficit facing the Youth Center. Mr. Murray recommended inviting Paul Mina, President of the United Way to attend the October 3rd meeting along with the Youth Commission, in order to participate in the discussion of the Center.

5. Town Administrator Celozzi provided the Board with the warrant for the October 24, 2011 Special Town Meeting. After correcting a typo in Article #9, the figure should be \$170,000 not \$150,000; Mr. Murray moved, seconded by Chairman DeBartolomeis: To approve the warrant as amended, UNANIMOUS.

6. Chairman DeBartolomeis requested that Town Administrator Celozzi review correspondence that he submitted to the Board regarding the Milford Youth Center.

-Mr. Celozzi stated that he first notified the Board on July 27, 2011 that based on information compiled by John P. Pyne Jr., Town Accountant, that the Milford Youth Center closed FY11 with a deficit of \$48,363.61. At that time, he also notified Marc Schaen, Chairman/Finance Committee, Paul Seaver, Chairman/Milford Youth Commission and James Sanchioni, Director. During the discussions, it was reported that revenue sources had been reduced and adjustments had not been made, as of yet, to reduce expenditures.

-Mr. Celozzi then directed, Zachary Taylor, Town Accountant, to track the Milford Youth Commission's Revolving Account weekly, while, at the same time, providing Mr. Sanchioni with copies of all reports in order that he be able to track all matters. The Finance Committee, through its' Milford Youth Commission subcommittee met with Mr. Sanchioni in July to review the problems and subsequently discussed the matter further at a scheduled meeting.

A subsequent August 31, 2011 activity report provided by the Town Accountant revealed that the Fund Balance was now \$55,021.59, an approximate increase of \$7,000 to the deficit.

The next activity report through September 14, 2011 revealed a negative Fund Balance of \$61,271.10, an approximate increase of \$5,000 to the deficit.

The fourth and final activity of September 19, 2011 revealed that since July, despite continued red flags and warnings, the original deficit of \$48,363.61 had increase for July-September by an additional \$10,014.00.

After conferring with Zachary Taylor, Town Accountant, Mr. Celozzi requested that he solicit input from Thomas J. Scanlon, Auditor and Dennis Mountain and Kathy Reed at the Department of Revenue for input on how to proceed as clearly this path was unacceptable. After discussion with both sources, Mr. Taylor reported that both Mr. Scanlon and officials at the Department of Revenue recommended that any further activity be suspended i.e. payrolls or bills were to be incurred by the Milford Youth Commission or paid by the Town of Milford as of September 19, 2011.

After meeting with Mr. Schaen and Mr. Walsh, Treasurer/Milford Youth Commission and explaining the circumstances as well as the action being discussed, Mr. Walsh appeared surprised with the figures as he had been assured that changes had been made by the Milford Youth Commission.

On Tuesday, September 20, 2011, Mr. Celozzi met with Mr. Sanchioni, Barbara A. Auger, Town Treasurer and Zachary Taylor, Town Accountant in which he informed Mr. Sanchioni that effective, September 19, 2011, the Town Accountant's office could no longer process payroll or bills. Under Article 4, Mr. Sanchioni's salary would be paid but that any and all activity at the Milford Youth Center would have to be strictly voluntary until the deficit was made whole.

The Board will be meeting with the Youth Commission on October 3, along with Mr. Paul Mina hoping to assist in reorganizing their program.

7. In response to the Board's request, Town Counsel Moody reviewed his memorandum concerning immigration reform and the town's options on how to ensure businesses that receive local permits or licenses hire only legal workers. Town Counsel referenced the case of Lozano, et al vs. City of

Hazelton, whereby the Federal District Court ruled that federal legislation fully preempted the field of employment of aliens and special legislation, thus severely limiting any local laws. Town Counsel recommended establishing conditions for local liquor licenses and Common Victualler licensees which force business owners to comply with federal laws and also the possibility of putting a provision in Town construction contracts with third party contractors that would forbid the hiring of undocumented workers consistent with federal law.

After a brief discussion, the Board supported Town Counsel Moody's approach and requested that he provide more information.

8. Dog Hearing Officer Murray, reviewed the Sheehan vs. Cristino Dog Complaint Hearing reading the following Findings of Fact:

1. Antonio Cristino resides at 184 West Street, Milford, Massachusetts.
2. Mr. Cristino is the owner of a female bullmastiff dog named "Tasha".
3. Barbara M. Sheehan lives at 13 Tomaso Road, Milford, Massachusetts, which property abuts Mr. Cristino's property.
4. On August 11, 2011, Tasha without provocation, attacked Ms. Sheehan while she was in her yard, bit her right arm and caused her other injuries.
5. On June 21, 2010, Tasha, without provocation, attacked Joseph Douglas while he was upon Mr. Cristino's property, bit his arm and caused other injuries.
6. At some time during the summer of 2010, on two separate occasions, Tasha, without provocation, came upon Ms. Sheehan's property and attacked her daughter's dog that was on a tie.
7. Pursuant to G.L. Ch. 140, Sec. 157, Mr. Murray found that Mr. Cristino's dog, Tasha, is a nuisance by reason of vicious disposition.

Mr. Murray moved, seconded by Chairman DeBartolomeis: To approve the following recommendations of the Hearing Officer, UNANIMOUS:

1. Mr. Cristino shall have Tasha spayed within six (6) months of the date of order rendered by the Town of Milford Board of Selectmen with documentation provided to the Milford Animal Control Department.
2. Tasha shall only be allowed outside of Mr. Cristino's residence upon his completion of fencing that entirely contains that portion of his yard where she will be.
3. While outside, Tasha shall be secured by a buckle collar, or choke chain, with a metal chain attached to the lally column that supports the porch to the residence. No plastic clasp collar shall be allowed.
4. Tasha shall only be allowed outside free of the requirements of paragraph three if she is wearing an electric collar with Mr. Cristino present and in possession of the remote control for the collar.

5. Should Mr. Cristino fail to comply with the Order of the Board of Selectmen, then the Animal Control Department shall be entitled to remove Tasha immediately from the premises at which time a hearing will be scheduled concerning the future disposition of Tasha.

9. Mr. Murray moved, seconded by Chairman DeBartolomeis: To appoint the following special Constables to direct traffic only assisting patients and employees crossing Route 140 to the parking area at the Dana Farber Cancer Institute at the Milford Regional Medical Center as recommended by Police Chief Thomas O'Loughlin: Brian Harris, Robert Horrigan, Charles Hester, Neal Robbins, David Smart, and Joseph Hayes, UNANIMOUS.

10. Mr. Murray moved, seconded by Chairman DeBartolomeis: To approve, on the recommendation of Town Engineer Santora: The installation of two (2), 30" x 30", diamond shaped, "DANGEROUS CURVE AHEAD" signs to be located approaching the curve (one in each direction) at 398 Central Street., UNANIMOUS.

11. Mr. Murray moved, seconded by Chairman DeBartolomeis: 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 22, 2011 from 9:00AM-2:00PM, with a rain date of October 29, 2011, UNANIMOUS.

12. Mr. Murray moved, seconded by Chairman DeBartolomeis: To approve the request from the Milford Hopedale Soccer Association for a Parade on October 2, 2011 starting at 11:30AM at (Stop & Shop) East Main Street to Cedar Street to end at Plains Park at 12Noon, UNANIMOUS.

13. Chairman DeBartolomeis, referenced an article in the September 2011 edition of The Beacon, outlining a bill, sponsored by Representative John V. Fernandes, which would restrict phosphorus in lawn fertilizers. The bill (H.3270) would require the use of low-phosphorous or phosphorous-free fertilizers on lawns, with exemptions as listed. Chairman DeBartolomeis requested that a copy of the article be forwarded to the towns of Bellingham and Franklin seeking their legislators' support for this bill.

14. INFORMATIONAL CORRESPONDENCE

1. Council on Aging, re: Minutes of 6/14/11
2. Clark Valcoviz, re: Application for Appointment
3. Department of Inspections, re: August 2011 Monthly Report
4. Town Accountant, re: July/August FY12 "Financial Facts"
5. Historical Commission, re: 100th Anniversary-General William F. Draper Statue
6. Dept. of Housing & Comm. Dev., re: Subsidized Housing Inventory Biennial Update
7. Finance Committee, re: Minutes of May 5, 2011; June 8, 2011; July 6, 2011; July 20, 2011; August 24, 2011 and September 9, 2011.
8. Saint-Gobain, re: FY11 EDIP Annual Reporting Form
9. Local Election Districts Review Commission, re: New Precincts/Approval

- 10. Chairman DeBartolomeis, re: South End/Prospect & Water Sts. Neighborhood Comm. Meeting
- 11. Schedule of Meetings
- 12. Milford Water Company, re: Correspondence of 8/30/11 and Meeting of 9/13/11.

15. The Board reviewed correspondence from the Milford Water Company regarding the August 30 and September 13, 2011 meetings with Mr. David White, Mr. David Condrey, Town Counsel Moody and Mr. Celozzi, relative to the ongoing issue of Total Trihalomethanes ("TTHMs") in the water system. The Milford Water Company has structured a program to address the concerns of its customers who are at risk health wise; which would consist of providing a credit for the installation of filtration devices and approved on a case-by-case basis where a legitimate health concern exists. Town Administrator Celozzi noted that if any resident has a problem with the Milford Water Company regarding a filter, they should contact Mr. Condrey.

16. The Board reviewed correspondence from Police Chief O'Loughlin updating the Board on his meeting with Ecuadorean Consul in which he informed Ms. Stein that representatives from the Milford Police Department have attended meetings over the past several years at St. Mary's Church where officers expressed the expectation that people will obey the local laws that Milford officers have the obligation to enforce. Also that Police Chief O'Loughlin has been invited, along with Detective Carlos Sousa, to attend a meeting at the Bible Church to discuss the same issues.

17. The Board reviewed correspondence from John Erickson, Building Commissioner detailing the recent efforts of the Neighborhood Task Force. It was the consensus of the Board to continue these visits weekly with the Town Administrator providing a report at each meeting. Also, the Board requested that Hyman Stramer be invited to attend a future meeting to discuss the condition of the five (5) properties listed in the most recent report.

18. The Board reviewed correspondence from Lynn Lovell and Anne Lamontagne from the Historical Commission requesting the formation of a committee to plan a service at Draper Memorial Park to commemorate the upcoming 100th Anniversary of the dedication of the General William F. Draper statute. The Board recommended that any individual interested in serving on this committee with Ms. Lovell and Ms. Lamontagne, contact the Selectmen's Office.

19. Mr. Murray moved, seconded by Chairman DeBartolomeis: To adjourn the Selectmen's meeting at 8:00PM, UNANIMOUS. ROLL CALL VOTE: Chairman DeBartolomeis, and Selectman Murray vote in the affirmative to go into Executive Session to discuss Collective Bargaining Strategy/Health Insurance.

Respectfully submitted:

Jean M. DeTore
Minutes Recorder

MILFORD BOARD OF SELECTMEN

Dino B. DeBartolomeis, Chairman

Brian W. Murray, Esq.

William D. Buckley