

MINUTES OF REGULAR SESSION – JULY 26, 2010

ROOM O3-TOWN HALL

7:00PM

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

1. Mr. DeBartolomeis moved, seconded by Mr. Murray: To sign the warrant and approve the minutes of July 12, 2010 as submitted, UNANIMOUS.
2. Citizen Participation - None
3. Ms. Annie Ho was present seeking a Second Hand/Antique License for Second Chance Thrift Store, 82 Main Street. Ms. Ho submitted a business plan for the Board's review, hours of operation: Monday –Thursday 11:00AM-8:00PM, Friday-Sunday 9:00AM-7:00PM. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Second Hand license, UNANIMOUS.
4. A Public Hearing was held for A & A Fuel, Inc., d/b/a Route 109 Mobile, 140 Medway Road, Bassam Karam, Manager. Deputy Chief Ronald A. Marino, Det. Jay Ball, and Town Counsel Gerald M. Moody were present to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of July 1, 2010 at or about 5:00PM, at which time an employee of the establishment did sell alcoholic beverages to a person 20 years of age without any inquiry as to identification. Atty. Ernest P. Pettinari, representing Mr. Karam, stated that Mr. Karam wished to express his regret for this mistake as he is most sensitive to his responsibility as a license holder and that he has already taken measures to rectify the situation by instructing his employees to require Picture Identification. The Board stressed the seriousness of the offense and Mr. DeBartolomeis stated that he would be in favor of an eight (8) day suspension. Mr. Murray stated that a sting operation in his opinion was meant to be instructive, not punitive and that he would be in favor of a three (3) day suspension. Mr. DeBartolomeis moved, seconded by Mr. Murray: To suspend the Alcoholic Beverage License issued in the name of A&A Fuel, Inc. d/b/a Route 109 Mobile for a period of five full days: August 4,5, 6, 7, 8, 2010, UNANIMOUS.
5. A Public Hearing was held for Contemporary Concepts, Inc. d/b/a Route 85 Mobile, 134 Cedar Street, Roger Roy, Owner/Manager and Chris Gordon, Assistant Manager. Deputy Chief Ronald A. Marino, Det. Jay Ball, and Town Counsel Gerald M. Moody were present to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64.

The hearing was necessitated due to actions of July 1, 2010 at or about 5:14PM, at which time an employee of the establishment did sell alcoholic beverages to a person 20 years of age without any inquiry as to identification.

Mr. Roy expressed his regret and embarrassment and stated that he has stressed the importance to his employees of asking for everyone's identification regardless of age. He also noted that he did not dismiss the employee because he feels he understands the seriousness of this offense and will be more aware of the situation. Mr. DeBartolomeis moved, seconded by Mr. Murray: To suspend the Alcoholic Beverage License in the name of Contemporary Concepts, d/b/a Route 85 Mobile for a period of three full days: August 6, 7, 8, 2010, UNANIMOUS.

6. A Public Hearing was held for Tanglewood Drive, LLC d/b/a The Purchase Street Market, 89 Purchase Street, Robert Clemente, Manager. Deputy Chief Ronald A. Marino Det. Jay Ball and Town Counsel Gerald M. Moody were present to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of July 1, 2010 at or about 5:25PM at which time an employee of the establishment did sell alcoholic beverages to a person 20 years of age without any inquiry as to identification. Mr. Clemente indicated that he had taken the following steps to rectify the situation:

His employees will be sent for recertification within the next month and he has directed that the store manager remind all employees to ask for identification from everyone. Mr. DeBartolomeis moved, seconded by Mr. Murray: To suspend the Alcoholic Beverage License issued in the name of Tangelwood Drive, LLC., d/b/a The Purchase Street Market for a period of three full days: August 6, 7, 8, 2010, UNANIMOUS.

7. A Public Hearing was held for Adonis, Inc. d/b/a Quick Mart, 58 South Main Street, Fred Saad, Owner/Manager. Deputy Chief Ronald A. Marino, Det. Jay Ball and Town Counsel Gerald M. Moody were present to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of July 1, 2010 at or about 5:57PM at which time an employee of the establishment did sell alcoholic beverages to a person 20 years of age without any inquiry as to identification. Atty. Ernest P. Pettinari, representing Mr. Saad, indicated that Mr. Saad has now posted a sign in his establishment stating that NO ALCOHOL OR CIGARETTES CAN BE PURCHASED WITHOUT ID. Mr. DeBartolomeis moved, seconded by Mr. Murray: To suspend the Alcoholic Beverage License issued in the name of Adonis, Inc., d/b/a Quick Mart for a period of three full days: August 6, 7, 8, 2010, UNANIMOUS.

8. A Public Hearing was held for Cedar Street Market, 100 East Main Street, Mui T. Tran, Manager. Deputy Chief Ronald A. Marino, Det. Jay Ball and Town Counsel Gerald M. Moody were present to consider whether or not to modify, suspend or revoke the license issued for the establishment, or reduce the hours of sales, pursuant to Chapter 138, section 64. The hearing was necessitated due to actions of July 1, 2010 at or about 7:00PM at which time an employee of the establishment did sell alcoholic beverages to a person 20 years of age without any inquiry as to identification. Deputy Chief Marino reading from the police report, indicated that after selling the alcoholic beverages Ms. Tran became argumentative with the Police Officers, insisting that the 20 year old was 21 years of age and that he had showed identification. He further stated that Ms. Tran was informed that he did not have any identification on his person as he was searched previously by the police; and while investigating this matter the Detectives stopped two young men who had just left the establishment with a twelve pack of Corona Light Beer and a six pack of Bud Light Lime Beer. Again, Ms. Tran had insisted that these young men were 21 years of age and that they had shown her identification. The officers searched the young men and the only identification in their possession showed their age to be 18. Both the 18 year old males stated that they have purchased or been with other minors who have purchased alcoholic beverages at this establishment in the past. In the report, Police Chief O'Loughlin stated that a criminal complaint for two counts of violating G.L. c. 138, s. 34, Selling or Furnishing Alcohol to a Person under 21, will be sought in Milford District Court against Mui Tran for the sale of alcohol to the two 18 year old males. The members of the Board expressed grave concern and indicated that because of the seriousness of the violations i.e. serving to two minors and the confrontation with the Milford Police, this transcends a first offense Mr. DeBartolomeis moved, seconded by Mr. Murray: To suspend the Alcoholic Beverage License in the name of Cedar Street Market for all the foregoing reasons for a period of five (5) full days: August 4, 5, 6, 7, 8, 2010, UNANIMOUS.

9. Town Administrator's Report:

- Milford Water Co.- Rate Hike Notification – As I reported to you last week, Water Co. officials had requested a meeting with myself and Town Counsel on Friday, July 16,2010. We met, along with their attorney, and they informed us of their intention for the rate increases which I reported to the Board that day via e-mail.
- Stormwater Regulations Update- After some discussion, Jeff Nutting the Town Administrator in Franklin has arranged for the Town Administrators in Franklin, Milford, and Bellingham to meet with the EPA, DEP, and MAPC. The intent is to have a low-key meeting to try to resolve our concerns. As you know, the EPA did not approve our Grant Application for the Stormwater Utility Feasibility study after they had encouraged us to apply for it. We have requested a written response as well as an opportunity to speak to them about the rejection. This meeting will be held on August 3, 2010.

- Town of Milford Website//Update – Since the approval of funds (\$5,000) at the October STM, we have been most fortunate to have the services of Bob McCarthy, a local resident, who has donated his time and expertise to assist us in setting up our new website. Bob has been working with us these past months as we have met with each department head, explained our mission and worked with them to ensure that the site will reflect everything that they feel necessary. In turn, Liz Fernandes, from our office is then again meeting with department heads as she is inputting all of the information into the system. Finally, all of us are working with Ashdown Technologies who is redesigning and hosting the site. As you know, Ashdown did the original design over 10 years ago and they have hosted the site since then at no cost to the Town.

There will be (A) A Home Page – news, site navigation, etc.  
(B) Town Services Page – listing all departments, etc.  
(C) Events Calendar  
(D) Community Information

While we have saved a considerable amount of money, we have had a lot of work to do. Hopefully, it will have been worth it. We are looking to be ready by Labor Day.

- New Open Meeting Law  
As part of the above, communities are now required to post meetings whereby they are “conspicuously visible to the public at all hours in or on the municipal building.” To comply, we have constructed a bulletin board outside of Town Hall whereby the public including handicap individuals can view the board which will have meetings posted.

Mr. Murray expressed his concern relative to the Milford Water Company’s proposed 50% Water Rate increase, as in his opinion, it is totally unwarranted. Further, in regard to the recent notification from the Environmental Protection Agency- for non approval of the Grant Application on the proposed Storm Water regulations, Mr. Murray indicated that the town should contact Congressman Neal for his assistance and support.

10. Town Administrator Celozzi provided the Board with correspondence outlining the process and steps taken to fill the position of Assistant Town Accountant. After a brief discussion: Mr. DeBartolomeis moved, seconded by Mr. Murray: To appoint Zachary Taylor to the position of Assistant Town Accountant, at Step 5 on the M.A.C.E. salary schedule which is presently \$22.86/hr. He will begin his duties on August 2, 2010, UNANIMOUS.

11. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve a One-Day Wine and Malt License for Saint Mary of the Assumption Parish, 27 Pearl Street: Sunday, August 15, 2010-11:30AM-6:00PM, for the Feast of the Assumption, UNANIMOUS.
12. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Annual Walk-a-Thon for St. Jude Children's Research Hospital for Sunday September 26, 2010 with a rain date of Sunday, October 3, 2010, UNANIMOUS.
13. Mr. DeBartolomeis moved, seconded by Mr. Murray: To adopt the Mass DOT Special Speed Regulation 7905 to allow a posted speed limit on Fountain Street at 30 m.p.h., UNANIMOUS.
14. Mr. DeBartolomeis moved, seconded by Mr. Murray: To submit a letter of support for the Geriatric Authority of Milford's application to the Determinations of Need Program which seeks to increase their bed capacity by twenty-four (24) units, UNANIMOUS.
15. Town Counsel Moody provided correspondence regarding the recent amendment to Chapter 138 which allows earlier pouring license sales on Sundays, from 11:00AM to 10:00AM: Mr. DeBartolomeis moved, seconded by Mr. Murray: To adopt, by virtue of the amendment to Chapter 138, Section 33B, an additional one (1) hour of sale on Sundays, now starting at 10:00AM, available for all section 12 license holder i.e., Restaurants, Hotels, Clubs, and General On Premises license holders. Interested license holders must apply at the Board of Selectmen's Office, UNANIMOUS.
16. It was the consensus of the Board to seek Police Chief Thomas J. O'Loughlin's input regarding any training seminars or programs that may be available to assist Liquor License holders due to the repeated number of alcohol related incidents. Also, the Board of Selectmen has determined that going forward there will no longer be a routine "warning" for an alcohol-related first offense. Depending on the circumstances, suspensions may be imposed for a first offense and even more significant for repeat offenses. Each offense will be viewed independently and on its own merit.
17. During the review of Police Chief O'Loughlin's quarterly License establishment activity report, the Board noted their concern with the activity at the Turtle Tavern. Mr. Murray referred to correspondence of 4/27/10, which had followed their appearance before the Board on 4/26/10, which had summarized their commitment to correcting problems. The Board requested a response detailing changes since that date. Further, the incident of May 29, 2010 at the Nite Lite Lounge was problematic and the Board requested more detailed information from the Chief regarding this incident.

18. Dr. Jack Porter of Newton, cousin of Ben Porter, former owner of Porter Shoe Company met with the Board to discuss the possibility of dedicating a plaque “to all those hard-working immigrants who contributed so much to the town” and to place it in the Milford Senior Center (former site of Porter Shoe). Mr. DeBartolomeis moved, seconded by Mr. Murray: To take the request under advisement, UNANIMOUS.

19. Mr. DeBartolomeis moved, seconded by Mr. Murray: To forward Town Counsel Gerald M. Moody’s letter regarding Lake Maspenock Boat Access to Representative John V. Fernandes, UNANIMOUS.

20. INFORMATIONAL CORRESPONDENCE

1. MA DEP, re: Congress Street Water Storage Tank
2. Board of Sewer Commissioners, re: Milford/Hopkinton Intermunicipal Agreement
- 3..COMCAST, re: New Services
4. Kathleen M. Tosches, re: Casino Location
5. PERAC, re: Examination of Milford Retirement System 1/1/07-12/31/09
6. Town Administrator, re: Project Revocations (Consigli/Midtown)
7. COMCAST, re: Comcast Customer Guarantee
8. Dept. of Housing & Comm. Dev., re: FY10 CDBG Award
9. Chief O’Loughlin, re: Annual Portuguese Picnic-Summary of Events
10. Schedule of Meetings

21. Mr. DeBartolomeis moved, seconded by Mr. Murray: To adjourn the Selectmen’s meeting at 8:50PM, UNANIMOUS. ROLL CALL VOTE: Chairman Buckley, Selectmen DeBartolomeis and Murray vote in the affirmative to go into Executive Session to discuss the Fire Chief’s Employment Contract, Fire Association-Collective Bargaining Issues and a Sewer Claim. We will not return to Open Session.

Respectfully submitted:

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Jean M. De Tore  
Minutes Recorder

MILFORD BOARD OF SELECTMEN

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William D. Buckley, Chairman

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Dino B. DeBartolomeis

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Brian W. Murray, Esq.