

MINUTES OF REGULAR SESSION – JANUARY 9, 2012

ROOM 03-TOWN HALL

7:00PM

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

1. Mr. Murray moved, seconded by Mr. Buckley: To sign the warrant and approve the minutes of December 12, 2011 as submitted, UNANIMOUS.

2. Chairman DeBartolomeis welcomed Scoutmasters and Boy Scouts from Troop 4, in attendance, as part of a badge requirement including: Brian Weber, Michael Weber, Andrew Weber, Stephen Kehoe, Evan Kehoe, Paul Driscoll, Tyler Driscoll and Ashby Hobart.

3. Citizen Participation – None.

4. A Public Hearing was held on the application of Milford Package Store, Inc., 270 Main Street, for a transfer of stock due to the death of two previous shareholders, with inheritance of the shares to their heirs. Peter J. Mazzarelli, Manager was present. Mr. Buckley moved, seconded by Chairman DeBartolomeis: To approve the transfer. Two in favor, One abstention (Mr. Murray abstains). IT IS A VOTE.

5. TOWN ADMINISTRATOR'S REPORT

- Monthly Financial Update – After the first half of FY12, all budgets under the jurisdiction of the Board of Selectmen are on target.
- CIC Vacancy – As of this date, there is still one vacancy and Mr. Russell Abisla has indicated his interest. The second individual does not wish to be appointed at this time.
- Rios – Class II License Application – Again, I had reported at the last meeting that this application was being investigated further by Chief O'Loughlin and Trooper Hanna. It appears that they withdrew their application in Hopedale (Carfarma) and now the owner of the property has delivered a letter to our office stating that he is not authorizing the application. I've met with Trooper Hanna on two occasions and he has stated that his investigation is continuing in Milford.

6. Mr. Murray moved, seconded by Mr. Buckley: To approve the 2012 Class II License Renewal for Mark Rizoli Auto Village, Inc., 227 East Main Street, UNANIMOUS.

7. Chairman DeBartolomeis requested that Town Administrator Celozzi review correspondence submitted to the Board regarding Scioli's Pizza Bar, specifically the Function Room. Mr. Celozzi stated that the Department of Inspections has encountered various problems with Scioli's Pizza Bar including: the Certificate of Inspection for 2012; the use of the Function Room for the

purpose of retail sales; the illegal use of off-premises signs and finally the questionable use of the Function Room. Mr. Celozzi also submitted correspondence from John Erickson, Building Commissioner relative to these various concerns. According to the memo, it appears that the first three issues have been resolved and a temporary Certificate of Inspection which is valid for thirty-one days was issued. Within that time frame, the various issues must be corrected and then another inspection will be performed by Mr. Erickson and Lt. Mark Nelson for a permanent Certificate of Inspection. In Mr. Celozzi's opinion, the Function Room is being used to circumvent the capacity of Scioli's Pizza Bar. The current capacity for the Restaurant/Bar is 95 and the capacity for the Function Room is 160.

Mr. Celozzi suggested the following options for the Board to consider:

1. Leave the License as is.
2. Define the use of the Function Room.
3. Seek to amend the license to include the Function Room and establish a new occupancy limit.

Mr. Murray stated that for many of the violations listed in the Building Inspector's memo, there is a State Code violation listed, however, there is no violation code for the use of the Function Room. He indicated that since the Board had not placed restrictions on the license that it was his belief that Scioli's were within their rights. He also stated that the Board could be accused of harassment. Mr. Buckley expressed his concerns with the code violations and listed many of the most blatant safety offenses. Mr. and Mrs. Scioli were in attendance, and Mr. Scioli stated he blames himself for all the violations, such as extension cords, putting in the oven hood without the proper suspension and permits. He noted that he has taken everything out that was in violation. After a discussion of the various violations and concerns, Chairman DeBartolomeis requested that: Mr. Scioli meet with his Attorney and the Town Administrator to define the use of the Function Room, determine if they wish to expand capacity without reference to a Function Room and then, pending the issuance of a permanent Certificate of Inspection, return to the Board. The Board also requested a final report from the Building Commissioner and Lt. Nelson be submitted.

8. Mr. Murray moved, seconded by Mr. Buckley: To approve a One-Day Wine and Malt License for St. Mary of the Assumption, Saturday, February 4, 2012-4:00PM-11PM and Saturday, June 2, 2012-4:00PM-11PM, UNANIMOUS.

9. Mr. Murray moved, seconded by Mr. Buckley: To approve a permit to obstruct for the Girl Scouts – Troop 30290, re: Cookie Booth-February 11, 2012 in Town Hall Parking Lot, UNANIMOUS.

10. Mr. Murray moved, seconded by Mr. Buckley: To approve a permit to obstruct for the Milford High School-Varsity Cheerleaders, 31 West Fountain Street, re: Tag Days at various intersections and businesses on January 14, 15, January 21, 22 and January 28, 29, 2012, UNANIMOUS.

11. After reviewing correspondence from Police Chief O'Loughlin regarding illegal dumping on Carroll Street: Mr. Murray moved, seconded by Mr. Buckley: To support Chief O'Loughlin's recommendation to move the rocks that are utilized to block the driveway area closer to the street, UNANIMOUS.

12. After reviewing Police Chief O'Loughlin's License Establishments Activity report January 1 – December 31, 2011, Mr. Murray expressed his concerns with an incident on October 14, 2011, in which a 17 year old female from Milford entered the bathroom facilities and overdosed on heroin at the Dunkin Donuts, 31 Main Street. He referred to similar incidents in the past at this site and requested a recommendation from the Police Chief for improvements/practices that could be implemented at this site. Mr. Buckley noted that many of the calls to the Police Department from Pinz and Scioli's reflect a tendency of "callers" initiating the call as opposed to the bar manager or staff member of the establishment. He is requesting that the owners of the licensed establishment be informed to train their staff to call the police department and to not wait for a "caller" to report incidents, this putting police officers at risk when they respond.

13. The Board reviewed correspondence from John Erickson, Building Commissioner, detailing the recent efforts of the Neighborhood Task Force. A list of violations for properties on Taylor, Thayer, West, Cherry, and High Streets along with Parker Hill was submitted.

14. The Board reviewed correspondence from Michael Santora, Town Engineer informing them that his brother, Mark M. Santora is beginning employment with D&F Afonso, Inc. as a Project Engineer/Manager. As D&F Afonso, Inc. has projects with the Town of Milford, Mr. Santora is responsible for reviewing and inspecting their work. After conferring with the State Ethics Commission, Mr. Santora is submitting a Disclosure under G.L.c. 268A §19 for each project. After discussion, Mr. Murray moved, seconded by Mr. Buckley: The Board determined that for the Prospects Hts.-Phase III Project that the financial interest Mr. Santora has identified is not so substantial as to be deemed likely to affect the integrity of the services that the Town may expect from him, UNANIMOUS.

15. INFORMATIONAL CORRESPONDENCE

1. Council on Aging, re: Minutes of 10/11/11 and 11/8/11.
2. Christopher C. Pilla, re: Resignation-Zoning Board of Appeals
3. XFINITY, re: Price Adjustments
4. MAPC, re: Policy Statement/Casino Proposals
5. DEP, re: Milford Water Co. – Sanitary Survey
6. DEP, re: Milford Water Co. – TTHM Data/Compliance
7. Schedule of Meetings

16. Mr. Murray moved, seconded by Mr. Buckley: To adjourn the Selectmen's meeting at 8:18PM, UNANIMOUS. ROLL CALL VOTE: Chairman DeBartolomeis, and Selectmen Murray and Buckley vote in the affirmative to go into Executive Session in order to discuss Health Insurance issues relative to Collective Bargaining, UNANIMOUS.

Respectfully submitted:

Jean M. De Tore
Minutes Recorder

MILFORD BOARD OF SELECTMEN

Dino B. DeBartolomeis, Chairman

Brian W. Murray, Esq.

William D. Buckley