

MINUTES OF REGULAR SESSION – March 7, 2011

ROOM 03-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 February 14 and 15, 2011 as submitted, UNANIMOUS.

2. Police Chief Thomas J. O'Loughlin read his letter of commendation recognizing the professional skills and abilities of Officer Robert Tusino and the efforts and professionalism of Dispatchers Rebecka LaPierre and Kim St. Amant working in unison which resulted in the saving of a 14 month old child's life. Fire Chief Touhey also commended their professional efforts.

Chairman Buckley presented the following Citations:

Officer Robert Tusino acknowledging his heroic efforts and steadfast professionalism.
Dispatchers Rebecka LaPierre and Kim St. Amant acknowledging their valiant efforts and calm professionalism.

3. Citizen Participation – None.

4. A Public Hearing was held on the application of King Real Estate Corp./Trustee of Milford Common R.E. Trust for a Chapter 148 Fuel Storage License. Dan Guerin, President of Maine Oxy and Tom Perkins, Design Engineer were present seeking approval to operate a retail cylinder delivery service at 47 Sumner Street with storage of the following:

Acetylene-30,000 cubic feet in DOT cylinders, Hydrogen-40,000 cubic feet in DOT cylinders, Propane-5,000 gallons in DOT cylinders, Chemtane-1,000 gallons in DOT cylinders, Propylene-1,000 gallons in DOT cylinders, Methane-4,000 cubic feet in DOT cylinders. A total of 7,000 gallons of flammable liquid will be stored; 7,000 gallons of combustible liquids and the total of all flammable gases to be stored is 74,000 cubic feet. Fire Chief Touhey has approved the request with the following restrictions:

1. NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response.

1.1. All doors and security fencing shall be posted using the NFPA 704 Marking System as directed by the Milford Fire Department.

2. Knox ®/Haz-Mat Cabinet.

2.1 A Knox Cabinet shall be installed at the main entrance to the facility. The box shall contain up to date Material Safety Data Sheets (MSDA) for all products stored and keys to the facility.

3. No overnight storage/parking of bulk delivery vehicles.

3.1 Vehicles making deliveries of product to the facility shall not be parked overnight or left unattended.

Abutters including Janie Mailman, Gary Hebert, Debra Fobelle and John Caezza voiced concerns related to leakage, explosions, ventilation, vandalism, employee training and environmental issues. Fire Chief Touhey responded to each of their questions.

After a discussion: Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Chapter 148 Fuel Storage License adding a fourth stipulation that every two (2) months an internal inspection is conducted with the report forwarded to the Fire Chief, UNANIMOUS.

5. A Public Hearing on the application of Fun Zone Milford, LLC, 110 South Main Street seeking a Restaurant, All Alcoholic license was reopened having been continued from February 14, 2011. Atty. Ernest Pettinari stated that Mr. Breen's request for Special Legislation was approved at the October 25, 2010 Special Town Meeting, approved by the Legislature and signed by Governor Patrick on January 5, 2011 as Chapter 413. A discussion ensued relative to taxes owed. Atty. Pettinari stated that the recent snow storms had slowed business but that Pinz has an excellent reputation and with the good weather, business will be back on track. Mr. Murray moved, seconded by Mr. DeBartolomeis: To approve the license subject to payment of Personal Property taxes, while adhering to the payment plan with the Tax Collector on Real Estate taxes, UNANIMOUS.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the request to Pledge the Restaurant, All Alcoholic license of Fun Zone Zone Milford, LLC, 110 South Main Street to the Milford National Bank & Trust, UNANIMOUS.

6. Atty. Joseph Antonellis, representing StoneRidge, the landowner; Bill Caulder of the Gutierrez Company; and Chris Novak, engineer of Vanasse, Hangen, Brustlin, Inc., were present seeking the assistance of the Board on behalf of the project submitted by the Gutierrez Company proposing to construct new commercial office space, near the Interstate 495/Route 85 interchange area off of Cedar Street. Atty. Antonellis stated that the proposed project will include the construction of a subdivision roadway and 625,000 square feet of new office space with associated infrastructure. During the permitting process, the US Army Corps of Engineers found a unique circumstance of archeological findings on the property. It appears that Indian artifacts are present at the site and the Gutierrez Company has been meeting with the Wampanoag tribe to resolve their concerns. Numerous meetings and site walks have occurred resulting in the project being redesigned five (5) times.

Mr. Caulder indicated that he was not asking the Board to put pressure on the Corp of Engineers but to request that they set out a timetable. He requested that the Board draft a letter to Congressman Richard Neal seeking his support. The Board agreed indicating their support for the project and the jobs that would be created. Mr. Murray also stated that Gov. Patrick should be contacted for his assistance.

It was the consensus of the Board to request that Atty. Antonellis consult with Town Counsel Moody in drafting a letter outlining the Town of Milford's support for the project.

7. Andrej Starkis, Chairman of the Milford Community Media Center (MC2) and members Phyllis Ahearn, Josh Ingemi, Gary Castiglione and Robert Kelly, the Town of Milford's cable consultant, provided a PEG Access Progress Report detailing information on their confirmation as 501C 3 non-profit corporation, staffing needs, playback system, touring of sites, branding campaign and website design. They also requested that the Board transfer \$75,000 from the Town's telecommunication fund (provided by the two cable companies) for operations and capital expenses.

Mr. DeBartolomeis moved, seconded by Mr. Murray: To transfer \$75,000 from the Town's Telecommunications fund to carry forward the process of transitioning local PEG programming responsibilities from Comcast to MC2, UNANIMOUS.

8. TOWN ADMINISTRATOR'S REPORT

- Monthly Budge Update – All budgets under the jurisdiction of the Board of Selectmen are on target with the possible exception of the Veterans' Department which may be running a small deficit. This was not unexpected as recent events have stretched heating and other costs. Further, in FY09 we spent \$262,072, in FY10 we spent \$261,407, so budgeting \$255,221 in FY11 is not a sound business practice.
- FY12 Budget –As the Board knows, FY12 budgets are due to be submitted by March 31, 2011. I have requested that all department heads, under your jurisdiction, submit copies to me by March 23, 2011 at which time I, along with the Town Accountant, will review them. All department heads that I have spoken to have already finished their budgets for FY12 including School, Fire, Police, etc.
- ATM-May 23, 2011 – I'd like to remind Department Heads and other interested parties that the warrant closes on March 24, 2011 for all articles. Please submit them as soon as possible to our office.
- Cedar St. Mkt./Mui Tran –As you recall, this Board suspended the license of Mui Tran for 5 days (August 4-8, 2010) at a hearing held on July 26, 2010. Ms. Tran appealed the suspension to the ABCC and a hearing was held on November 17, 2010 at which time the Board of Selectmen's decision was upheld. We have not been advised as of yet and I have made repeated calls to the ABCC. I bring this up this evening as many people have inquired about this and I've tried to explain the process to them.

9. Mr. DeBartolomeis moved, seconded by Mr. Murray: To support Fire Chief Touhey's recommendation to adopt MGL c.40, § 4J-Statewide Public Safety Mutual Aid Agreement, UNANIMOUS.

Fire Chief Touhey also noted that the Milford Emergency Management is looking for volunteers to assist the community as part of an emergency response team. Applications can be found on the town's website under Milford Public Safety.com on the Fire Department page under CERT.

10. After reviewing correspondence from Town Engineer Santora regarding Hayward Street, Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve the Traffic Aids recommendations to:

1. Paint a crosswalk from the existing sidewalk opposite Carroll Street and locate this crosswalk perpendicular to Hayward Street.
2. Request that the Highway Surveyor add this location to his list of locations that need to be made handicap accessible.
3. Install two (one in each direction) S2-1 Crossing Warning Signs on Hayward Street, location to be determined in the field. UNANIMOUS.

11. The Board reviewed correspondence from Susan Clark, Director of the Community Development Office, which stated that they had recently advertised for engineering services for the Phase 2 Prospect Heights Infrastructure Project. Proposals were requested by twenty-three (23) Engineering firms and one proposal was submitted by Guerriere & Halnon in the amount of \$24,800. Ms. Clark recommended awarding the contract to Guerriere & Halnon of Milford, MA. Mr. DeBartolomeis moved, seconded by Mr. Murray: To award the engineering contract to Guerriere & Halnon at the bid price of \$24,800, UNANIMOUS.

12. Mr. DeBartolomeis moved, seconded by Mr. Murray: To approve two(2) One-Day Wine and Malt Licenses for the Milford Performing Arts Center, 150 Main Street: March 18, and March 19, 2011-6PM-11:00PM, UNANIMOUS.

13. Mr. DeBartolomeis moved, seconded by Mr. Murray: To authorize Town Engineer Santora to be the signator on the Certificate of Donation Form on behalf of the Town of Milford for the Rt. 16 Project, UNANIMOUS.

14. In response to correspondence from Town Engineer Santora on the Route 16 Traffic Signals Color Choice: Mr. DeBartolomeis moved, seconded Mr. Murray: To approve having all of the new traffic light poles, mast arms and signals be black to match the ornamental streetlight poles with the exception of the Route 16/85 location which would remain the standard colors, UNANIMOUS.

15. After reviewing correspondence from MASSPIRG, Public Interest Advocate, seeking the support of the Town of Milford for a resolution to update the Massachusetts Beverage Container Recovery Law of 1982, Mr. DeBartolomeis moved, seconded by Mr. Murray: To support the resolution contingent upon positive input from the Board of Health and the Park Department, UNANIMOUS.

16. Mr. DeBartolomeis moved, seconded by Mr. Murray: To authorize the agreement for the Town of Milford to join the Metro Boston Consortium for Sustainable Communities and to approve the signing of the final Consortium Memorandum of Understanding (MOU), UNANIMOUS.

17. Chairman Buckley addressed correspondence from the Milford Water Company regarding the recent TTHM violation. He expressed his concern with the delayed efforts to inform the public by the Water Company after learning of tests results in January and not notifying the public until February. He further stated that anyone with a health concern did not have a chance to react. After a brief discussion, Chairman Buckley requested data from all samples in order to more fully understand all of the issues, the reason the PH adjustment which was offline due to a leak in the line which was not corrected until individuals began complaining and also that David Condrey, Manager of the Milford Water Company be invited to the next meeting.

18. INFORMATIONAL CORRESPONDENCE

1. MASSDOT, re: Milford – Proposed Holliston Truck Exclusion
2. Verizon's FIOS TV, re: Rate Changes
3. Dept. of Inspections July 2011 Monthly Report
4. COMCAST, re: Rate Changes
5. Town Administrator, re: Follow-up Bob Moylan Stormwater Memo (FYI)
6. Milford Water Co., re: Information-Drinking Water
7. Town Administrator, re: Capital Projects/Priority List
8. Jim Sanchioni, re: Consigli Construction Co./Youth Center
9. Fire Chief, re: Milford CERT
10. Tree Warden, re: Phase II-Prospect Hts. Project
11. George Swymer, re: Apartments on Main Street
12. Schedule of Meetings
13. Economic Asst. Coord. Council, re: Hearing Notice/Victory Packaging, Inc.

Invitations

1. Hopedale Unitarian Parish, re: Installation of The Reverend Dr. Paul G. Hull
2. Greater Milford Healthy Families Coalition, re: "Community Baby Shower" – 5/19/11

19. Town Engineer Santora provided the Board with correspondence from Robert L. Moylan Jr., Worcester Commissioner of Public Works and Parks to Michael V. O'Brien, Worcester City

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Manager regarding proposed stormwater regulations in Boston. Mr. Murray requested that it be forwarded to Senator Kerry, Senator Brown, Congressman Neal, Congressman McGovern, Senator Richard Moore and Rep. John Fernandes with the hope that these officials will reevaluate the serious impacts of this legislation.

20. Mr. Murray referred to the Capital Projects/Priority List which was provided by Town Administrator Celozzi and requested that Mr. Celozzi obtain prices for the replacement of windows for the Town Hall. He felt that this could be a good project along with the painting of the Town Hall exterior.

21. Mr. Murray referred to correspondence from Jim Sanchioni, Director of the Milford Youth Center outlining the donation of the Consigli Construction Company Inc. of approximately \$100,000 in windows at the Milford Youth Center. He requested that a letter of appreciation be sent to Anthony Consigli, President of Consigli Construction Company, Inc. for his donation and also to employees of Consigli Construction for their donation of time and effort.

22. Chairman Buckley recognized Vahan Sarkisian who stated that as a result of the Rt. 85/Rt. 16 signalization project, the length of the bump out in front of his building on Rt. 85 be shortened. It was the consensus of the Board to have Mr. Sarkisian meet with Town Engineer Santora. Town Administrator Celozzi stated that the decision would ultimately be made by MassDOT.

23. Mr. DeBartolomeis moved, seconded by Mr. Murray: To adjourn the Selectmen's meeting at 9:39PM, UNANIMOUS. ROLL CALL VOTE: Chairman Buckley, Selectmen DeBartolomeis and Murray vote in the affirmative to go into Executive Session to discuss M.A.C.E. Collective Bargaining issues, Dispatcher Association collective bargaining issues and the Sean Roberts consulting proposal. We will not return to Open Session.

Respectfully submitted:

Jean M. De Tore
Minutes Recorder

MILFORD BOARD OF SELECTMEN

William D. Buckley, Chairman

Dino B. DeBartolomeis

Brian W. Murray, Esq.