

MINUTES OF REGULAR SESSION – MARCH 19, 2012

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 March 5, 2012 as submitted, UNANIMOUS.

2. Citizen Participation – None.

3. Attorney Albert DeNapoli, representing TGI Friday's, 240 Fortune Boulevard, was present seeking a change of Officer/Directors. He stated that this request is part of a multi-unit filing which has been approved by the Alcoholic Beverage Control Commission per their advisory letter of February 6, 2012. At 7:02PM, Mr. Buckley joined the meeting. Mr. Murray moved, seconded by Mr. Buckley: To approve the changes as requested, UNANIMOUS.

4. TOWN ADMINISTRATOR'S REPORT

- ATM Warrant – I'd like to remind everyone that the warrant for the May 21, 2012 Annual Town Meeting closes this Thursday at Noon.
- Biomeasure – Last week, I met with Bobby Mathews of the New Landmark Group, representing Biomeasure, to discuss the proposed T.I.F. Agreement. I had expected to have it this evening for discussion in Executive Session but apparently someone else had to sign off on it and it is not ready. It will, therefore, not be discussed in Executive Session.
- Today, I distributed a notice to all department heads/committees from the State Ethics Commission announcing the new municipal online training program that will be available in several weeks. This will allow all municipal employees to satisfy this year's online training request. I've put a copy in your boxes.
- Senior Center Project – Finally, the project continues with plastering to be done tomorrow, then finish carpentry and painting.

5. Pierrot Abiraria d/b/a Milford Auto Mall, 187 West Street, accompanied by Mr. Gregory Ohannesian (owner of the property) was present seeking a Class II License. Mr. Abiraria indicated that he has prior experience in the auto retail business and is aware of the stipulations in the ZBA Special Permit. Mr. Murray moved, seconded by Mr. Buckley: To approve the Class II license with the current conditions of the ZBA Special Permit still in effect and pending approval of a new waiver of site plan, UNANIMOUS.

6. John Erickson, Building Commissioner, briefly reviewed the current Massachusetts State Building Code (Eighth Edition) 780 CMR 110.7 which requires Periodic Inspections for Assembly, Institutional, Educational, Multi-Family Residential, and various other Use Groups which has taken full effect as of February 6, 2011. He also noted that previous editions of the State Building Code specified the required fee for these Periodic Inspections. However, the current State Building Code no longer specifies the fee and individual municipalities must adopt their own fee schedule, therefore he is recommending a fee of \$40.00. Mr. Murray moved, seconded by Mr. Buckley: To adopt the recommended fee of \$40.00 for all Periodic Inspections, UNANIMOUS.

7. Town Administrator Celozzi provided the Board with correspondence from Town Counsel Moody regarding a Potential Noise By-Law. He was seeking the Board's decision on whether this should be placed on the upcoming Annual Town Meeting warrant. It is Town Counsel's opinion that the By-Law will give the Police Department real authority and ability to provide enforcement whenever, and wherever the officers respond and find a problem. The Board all agreed that the article should be placed on the warrant as the need for the by-law appears to be overwhelming. Mr. Buckley indicated that he was seeking changes favored by Chief O'Loughlin. Mr. Murray and Chairman DeBartolomeis both agreed that the by-law proposed by Town Counsel was sufficiently reviewed and supported the July 26, 2011 document. Mr. Murray moved: To include the proposed Noise By-Law, as submitted on July 26, 2011 on the Annual Town Meeting warrant, Mr. Buckley seconded for discussion. Mr. Buckley requested that the Police Chief and Town Counsel Moody resolve the language and times specified for snowblowers, generators and daily preparation in contractor's yards prior to Town Meeting. He noted that if the Chief is opposed to the language, it should be resolved before Town Meeting. After further discussion, the members agreed that the proposed by-law could be presented at Town Meeting and any amendments could be presented then. Mr. Murray renewed his motion: To include the proposed Noise By-Law as submitted on July 26, 2011, on the Annual Town Meeting warrant. Two in favor, One opposed (Mr. Buckley in opposition). IT IS A VOTE.

8. Mr. Murray moved, seconded by Mr. Buckley: To approve the Seasonal Club License renewals for 2012: Maspenock Rod & Gun Club, Inc. and Sons of Italy Dramatic & Sportsmen Club, Inc., UNANIMOUS.

9. Mr. Murray moved, seconded by Mr. Buckley: To nominate Rochelle Thompson as Inspector of Animals, with the term to expire April 30, 2013, UNANIMOUS.

10. Mr. Murray moved, seconded by Mr. Buckley: To approve a One-Day All Alcoholic License for the Maspenock Rod & Gun Club, Saturday, March 24, 2012-5:00PM-12Midnight, UNANIMOUS.

11. Mr. Murray moved, seconded by Mr. Buckley: To approve a One-Day Wine and Malt License for the Milford Catholic Elementary School, Saturday, March 24, 2012-6:30PM-11:30PM, UNANIMOUS.

12. Mr. Murray moved, seconded by Mr. Buckley: To approve a One-Day Wine and Malt License for Alianca Cultural Portuguesa, Saturday, April 21, 2012-5:00PM-12Midnight, UNANIMOUS.

13. Mr. Murray moved, seconded by Mr. Buckley: To approve a "Poppy Days" permit for the John W. Powers Post 59, American Legion Auxiliary (May 25-28, 2012), UNANIMOUS.

14. The Board reviewed the Carnival Permit submitted by the Italian American War Veterans Post 40. After a brief discussion, the members agreed that as the policy was new, and the conditions specified approval from the Police and Fire Chiefs, Building Commissioner and Health Agent prior to the Boards approval, the Town Administrator will update the Board at the next meeting regarding the completion of the conditions. Mr. Murray moved, seconded by Mr. Buckley: To approve a Carnival Permit for Italian American War Veterans Post 40, April 25, 2012 –April 29, 2012, subject to the conditions of the Carnival Policy, UNANIMOUS.

15. Dog Hearing Officer Murray, reviewed the Chamberlain vs. Baldini Dog Complaint Hearing reading the following Findings of Fact:

1. James Baldini lives at 13 Briar Drive, Milford.
2. Bruce "Al" Chamberlain lives a 6 Briar Drive, Milford.
3. James Baldini is the owner of neutered male Black Labrador dog named "Cooper".
4. On numerous occasions, dating back to December 2010, Cooper has been unleashed, roaming throughout the neighborhood and has caused damage to Mr. Chamberlain's property.
5. During such times that Cooper has been loose, he has repeatedly defecated and urinated on the property of Mr. Baldini's neighbors.
6. Also during such times that Cooper has been loose, he has barked repeatedly such that neighbors have been disturbed.
7. Pursuant to G.L. Ch. 140§157, Mr. Murray found that Mr. Baldini's dog, Cooper, is a nuisance by reason of excessive barking and other disturbance.

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

1. Cooper shall be restrained at all times while outside upon Mr. Baldini's premises by a suitable chain or cable tie. Said restraint must meet the approval of the Animal Control Officer.

2. When off Mr. Baldini's premises, Cooper shall at all times be restrained by a suitable leash.
3. Should Mr. Baldini fail to comply with the above, then the Animal Control Department shall be entitled to immediately seize Cooper from the premises at which time a hearing shall be scheduled concerning the future disposition of Cooper.

16. Mr. Murray reviewed concerns of a Milford resident relative to noise and safety issues at the Nipmuc Rod & Gun Club, specifically with gunfire and the type of weapons being fired at the Club. Mr. Murray requested that the Town Administrator invite the President of the club to the next meeting to discuss this issue.

17. Chairman DeBartolomeis discussed the possibility of expanding the parking lot at Louisa Lake due to the increased activity at the site. The members agreed and requested that Town Administrator Celozzi seek input from Town Engineer Santora to explore various options and prepare cost estimates.

18. After reviewing correspondence from the Attorney General's office, regarding OUI Last Drink Information, the Board requested that Town Administrator Celozzi inform the owners of the license establishments of the Board's dismay and recommendation to be vigilant.

19. INFORMATIONAL CORRESPONDENCE

1. Office of The Attorney General, re: OUI Notice
2. COMCAST, re: Annual License Fee – 2012
3. Town Accountant, re: February FY2012 – "Financial Facts"
4. MA State Lottery Commission, re: KENO To Go-Central Gas & Market
5. Verizon, re: Annual License Fee – 2012
6. Council on Aging, re: Minutes of February 14, 2012
7. Schedule of Meetings
8. Verizon, re: Annual Notification

20. Mr. Murray moved, seconded by Mr. Buckley: To adjourn the Selectmen's meeting at 7:40PM, UNANIMOUS. ROLL CALL VOTE: Chairman DeBartolomeis, and Selectmen Murray and Buckley vote in the affirmative to go into Executive Session to discuss collective bargaining issues with the Firefighters' Association, UNANIMOUS.

Respectfully submitted:

Jean M. De Tore
Minutes Recorder

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MILFORD BOARD OF SELECTMEN

Dino B. DeBartolomeis, Chairman

Brian W. Murray, Esq.

William D. Buckley