
MINUTES OF REGULAR SESSION – November 20, 2023

ROOM 03 – TOWN HALL

6:00 PM

PRESENT: Chairman Paul A. Mazzuchelli and Select Board members Michael K. Walsh and Thomas J. O'Loughlin and Town Administrator Richard A. Villani.

1. Mr. O'Loughlin moved, seconded by Mr. Walsh: To sign the warrant. UNANIMOUS.
2. Mr. O'Loughlin moved, seconded by Mr. Walsh: To approve the Regular Session Minutes of November 6, 2023 as submitted. UNANIMOUS.
3. Mr. O'Loughlin moved, seconded by Mr. Walsh: To approve the Executive Session Minutes of November 6, 2023 as submitted. UNANIMOUS.
4. A Public Hearing was held for the determination of the allocation of the percentage of the tax levy. Board of Assessor Chair Josh Lioce, and members Steve Borges and Paul Simas were present along with Assessor/Administrator Jennifer Sclar who gave the FY24 property classification presentation. Jen informed the Board that New Growth is down from last year. There was a 13.75% increase in taxable value and a 3.62% increase in the overall levy. Mr. O'Loughlin moved, seconded by Mr. Walsh: To maintain the dual tax rate and set the rate at 1.58 adopting a residential factor of .8715. UNANIMOUS. Mr. O'Loughlin seconded by Mr. Walsh: To not grant a Residential exception for properties that are the principal residence of the owner. UNANIMOUS. Mr. O'Loughlin moved seconded by Mr. Walsh: To not grant a small commercial exemption. UNANIMOUS. Mr. O'Loughlin moved seconded by Mr. Walsh: To not grant an open space discount. UNANIMOUS. The Board has been made aware of excess levy capacity in the amount of \$5,788,801.82. No individuals attended the Hearing via Zoom or in person.
5. The Board reviewed a Memorandum from Human Resources Director, Kristin Melpignano, informing the Board of the Retiree Contribution Rates for 2024. Kristin was present at the meeting via zoom. She informed the Board the Insurance Advisory Committee is recommending an across the board split of 60/40 (Town/Retiree) for all three Retiree Plans, namely Medex with RX, Medicare Advantage and Tufts, to simplify and rebalance them. She said the Finance Director has reviewed the recommendation and is in agreement with the 60/40 split. Mr. O'Loughlin moved, seconded by Mr.

Walsh: To approve the 60/40 split as recommended by the Human Resources Director and IAC. UNANIMOUS.

6. The Select Board held a hearing pursuant to G. L.c. 138, section 64, and other applicable law to consider whether or not to modify, suspend, or revoke the license issued for CT Bar, Inc./Central Tavern. The reason for the Hearing is due to a serious fight that occurred both inside and outside Central Tavern on November 12th and 13th, 2023. Police Chief Robert Tusino and Town Counsel Brian Murray appeared on behalf of the Town. Town Counsel Brian Murray conducted the Hearing. Attorney Brian Consigli appeared on behalf of Central Tavern. Chief Tusino testified Police were called to Central Tavern on November 12th due to a noise complaint. Sergeant Joseph Francesconi spoke to the owner, Bruno Orlandi and he agreed to close the windows. On November 13th Police were again called to the Tavern as there was a fight involving between 30 and 40 individuals both inside and outside and across Central Street to the Jefferson Street parking lot. Officers from the Hopedale, Upton and Holliston Police Departments, as well as from the State Police were called in to help quell the disturbance. Officer Tusino said the Owner was helpful in trying to control the disturbance. Town Counsel Murray stated there was a video showing the incident which was “disturbing.” In addition, a woman reported to the Police that an employee of the Tavern assaulted her during the fight. There was also a complaint submitted to the Town stating patrons could purchase entire bottles of liquor which were placed in a beer bucket. Attorney Consigli stated all employees were TIP trained and the employee did not assault anyone. He said no one at the tavern violated any law as to the serving of alcohol. Mr. O’Loughlin said there was a \$50 cover charge for a live entertainment event that night at the Tavern. He said the Police should have been called much sooner. Attorney Consigli said his client wants the Tavern to be a Sports Bar. This was their opening night. In the future they will call the Police before a scheduled event and have security personnel on site. Mr. O’Loughlin moved, seconded by Mr. Walsh: To suspend the All-Alcohol License for the Central Tavern for 5 business days, commencing Tuesday, November 21st on condition that the Select Board Office receives TIP Training Certificates for all employees of CT Bar, Inc./dba Central Tavern. UNANIMOUS.
7. Rafidah Rahman and Patrick Roche, Representatives from Good Energy, the Consultant Firm representing the Town in the preparation of a Municipal Electricity Aggregation Plan were present to review the final draft of the Municipal Aggregation Plan to be submitted to the Department of Public Utilities (DPU). Rafidah informed the Board the DPU requested revisions to the Plan which were mainly terminology based. She said the Board needs to vote to approve the Plan and authorize it to be submitted to the DPU. Patrick said the hope is to launch the Plan in the fall of 2024. Mr.

O'Loughlin moved, seconded by Mr. Walsh: To approve the final Plan and authorize the Plan to be submitted to the DPU. UNANIMOUS.

8. Town Counsel Brian Murray provided a Litigation update on the property at 21 Franklin Street. He informed the Board he filed a Motion for Preliminary Injunction in the Worcester Housing Court. He said there were building code violations, health code violations as well as criminal activity at the property. There was gambling and betting on volleyball games. Undercover Police investigated and made a "bust". He along with Attorney Gerry Moody filed the civil Complaint with the Housing Court. The Court granted the Injunction which ordered the owners of the property to cease and desist for activities that included retail sale of any food and merchandise, sale of alcohol, holding of events or tournaments for volleyball or any other sporting activity, utilizing exterior lighting that is not in full compliance with electrical codes, playing of amplified music or engaging in any activity violative of the Milford Zoning By-Law. Brian said the Injunction is now a key tool to enforce compliance of any future violations at this property. He said he is filing another Civil Action on a second property in Town. He urged the public to call Town Hall if they see this type of activity occurring in their neighborhoods. Mr. Mazzuchelli said the Task Force is more focused and organized now.

9. ADMINISTRATOR'S REPORT – November 20, 2023

A. Thanksgiving Eve- A reminder that Town Hall will be closed at 1:00 PM on Wednesday, November 22, 2023, the day before Thanksgiving. Town Hall will be open normal hours, 8:00 to 11:30 AM on Friday, November 24, 2023.

B. Donation Time/Money to Memorial Hall - I want to thank custodian Greg Yanovitch for donating flowers and then planting the flowers and then edging and landscaping the flower beds at Memorial Hall. The Milford Historical Commission sent a nice thank you letter to Greg in appreciation of his hard work.

10. Mr. O'Loughlin moved, seconded by Mr. Walsh: To accept a Gift from Rose and Mark Titlebaum in the amount of \$1,000.00 to the Youth Center to support programming. UNANIMOUS.

11. Mr. O'Loughlin moved, seconded by Mr. Walsh: To accept a Gift from Nouria Energy Corporation in the amount of \$1,000.00 to the Youth Center to support programming. UNANIMOUS.

12. Invitation to Speak- NONE.

13. Mr. Mazzuchelli updated the board on the Emergency Shelter Program being implemented by the State. There are 44 children and 43 adults at the Best Western Hotel. There are two American families and the rest of the families are Haitian. Police, Fire, Building, and Board of Health Officials did a walkthrough of the Best Western with two National Guard Officers. Paul would like questions answered by the State regarding Health Screening and background checks.

14. The Board reviewed a letter from Marc Mann, Treasurer of Temple Beth Shalom, requesting permission to place the Menorah in Draper Park for the Hanukah celebration beginning on Thursday evening December 7, 2023. Mr. O'Loughlin moved, seconded by Mr. Walsh: To place the Menorah in Draper Park for the Hanukah celebration beginning on Thursday evening December 7, 2023. UNANIMOUS.

15. Mr. O'Loughlin stated the Board received correspondence from the Finance Committee relative to Countryside of Milford which was not signed by anyone, nor did it indicate if a Vote was taken to send the letter to the Select Board. A letter was also sent to the Trustees of the Geriatric Authority. The letter to the Select Board suggested the Board could remove a Trustee for advocating to keep Countryside open. He watched the Finance Committee meeting and it deteriorated into an attack on the Select Board and Countryside. A member indicated the Select Board "muzzled" the Chair of the finance Committee from speaking regarding Countryside at the Special Town Meeting. Mr. O'Loughlin said the issue regarding Countryside has social and family support and is not simply a financial issue. It is an issue for Town Meeting. He said the Finance Committee members approach during their meeting "was offensive." The Select Board did not silence anyone. Mr. Mazzuchelli said the elected Town Meeting members will make any decision regarding Countryside. Mr. Walsh said the Finance Committee is an advisory committee.

16. Mr. O'Loughlin moved, seconded by Mr. Walsh: To enter into Executive Session. ROLL CALL VOTE: Select Board Members Paul A. Mazzuchelli, Michael K. Walsh and Thomas J. O'Loughlin all vote in the affirmative to enter into Executive Session: To meet with the Town Administrator to receive an update on the PFAS Litigation. The Chair stated the Board will return to Open Session. UNANIMOUS. 7:54 PM.

17. The Board returned to Open Session at 8:03 PM.

18. The Select Board held a hearing pursuant to G. L.c. 138, section 64, and other applicable law to consider whether or not to modify, suspend, or revoke the license issued for Turtle Blessed LLC dba TD's Pub. Police Chief Robert Tusino was present. The reason for the Hearing is due to a fight that occurred inside TD's Pub on April 23, 2023, a fight that occurred outside TD's Pub on August 20, 2023 and a disturbance by a patron inside TD's Pub on July 8, 2023. Special Counsel, Gerry Moody, conducted the Hearing on behalf of the Town. Attorney Melanie Soloman appeared via zoom on behalf of TD's Pub and owner and Manager, Karen Rich attended in person. Attorney Moody said there were fourteen incidents over the past 8 and ½ months that included fights and disturbances. He advised the Board the authorization for the deck in the rear of the property was improper and that a Building Permit should not have been issued as it is a nonconforming use. The Select Board should not have issued an Alcohol License to serve alcohol on the deck. He further advised the Board the Alcohol License should be modified to forbid using the deck to serve alcohol or food unless a Special Permit is granted by the Zoning Board of Appeals. Attorney Soloman said she trained the entire staff of TD's Pub regarding the requirements and responsibilities of being the holder of a liquor license. She has done random checks and issued a No Trespass Order to an individual, Robert Scott, due to unruly conduct. The owners have been diligent in monitoring the outside areas. She suggested the Board take no action but simply place the owners on notice. She said she would be happy to meet with the residents to discuss and work out any issues. She agreed her clients would suspend use of the outside deck and work on applying for a Special Permit. Mr. Mazzuchelli said this is the second incident at TD's. Police Chief Tusino said the owners have been amicable in working with people. He said parking is "tough in the area" and there have been problems with the use of the deck. A neighbor said he had people blocking access to his driveway. There has been loud music, often late at night. Jay Iadarola said he lives across the street and the music is "blasting" on Open Mike night. Also, people throw open containers on his property. Another neighbor said open bottles are thrown on his lawn and people also urinate on his property. Attorney Moody said the Board could set up a Hearing to consider modifying the Entertainment License regarding the noise complaints. Ms. Rich said she does not want to disrupt the neighborhood. Mr. Lovejoy, a customer at TD's, said he "knows that no bartender allows any customer to walk outside with an open container and he can't hear any noise from the outside of TD's". Mr. O'Loughlin moved, seconded by Mr. Walsh: To modify the existing All Alcohol Common Victualler license at TD's PUB to prohibit the sale, consumption or possession of alcohol or food on the rear deck. UNANIMOUS.
19. Mr. O'Loughlin moved, seconded by Mr. Walsh: To adjourn the Select Board meeting at 8:47 PM, UNANIMOUS.

Richard A. Villani
Minutes Recorder

Paul A. Mazzuchelli, Chair

Michael K. Walsh

Thomas J. O'Loughlin, Esq.