

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
January 24, 2011
Veterans Memorial Building, Room 220
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Chm. Vecchi called the meeting to order at 7:33 p.m. The following persons were present: Chairman Charles Vecchi, Vice Chair Andrea Wagner, Clerk Donald Hendon, Administrative Assistant Jennifer Cederberg and Town Administrator Charles Aspinwall.

ANNOUNCEMENTS: Sel. Vecchi and Mr. Aspinwall reported that they went to a meeting of area Selectmen and Town Administrators from six local communities to see if they could come up with some ideas and a united front in the face of the upcoming budget problems and exert some pressure on our state legislators. They would like to meet again and asked the BOS if they feel it is worthwhile pursuing this effort. Sel. Hendon agreed it is a good idea. Mr. Aspinwall stated there was a lot of discussion on health insurance reform which doesn't help Millis as we already belong to the GIC. Changes to Medicare B requirements were also made some time ago. The Governor did make some changes to unrestricted local aid and his suggestions were for things that the Town has already done. Mr. Aspinwall recommended that the Town suggest to the Governor that since Millis already did this years ago, that our local aid for next year not be cut.

Sel. Vecchi also offered condolences to the family of Andrew Beaton.

FENCING ON 1009 MAIN STREET: Jeremy Girouard of 1009 Main Street appeared before the Board. He noted that he went to speak to the Police Chief to find out if there had been complaints or accidents as a result of his fence. He stated that the Chief reported that there weren't. He took pictures of other similar fences on Route 109 and presented them to the Board for review.

Mr. Aspinwall noted that he and Chief McGowan viewed the fence again and that in his opinion, the fence is still on Town property. He stated that there are several issues to be addressed: whether it is on Town property and if it is, to what extent, is it on Mr. Girouard's property, and is there a site distance issue. He recommended that the land be surveyed to see where the property line is. He stated that it is still, in his opinion and the Chief's opinion, a site distance issue. He noted that knowing exactly where the line is is important to the discussion. Sel. Wagner asked for clarification on the property boundary. Mr. Girouard presented the Board with a plot plan but it does not show the right-of-way. Sel. Wagner noted that she spent some time on Auburn Road reviewing the site issue and that there is also a tree in the way. Sel. Wagner clarified with the homeowner that he agreed to maintain the area.

Sel. Vecchi noted concern with the property owner using any Town land to place their property on. He stated that once the Board starts to say it is ok to erect things on Town property, it will open up a can of worms. Mr. Girouard stated that this is why he brought pictures of other fences causing site distance issues.

Sel. Hendon stated that he would feel more comfortable going forward with a decision if there was a land survey. Mr. Girouard stated that this is a very expensive endeavor and then he may have to move the fence anyway. Sel. Hendon said that Mr. Vecchi has a good point in that this opens the door for other property owners to come forward with similar requests.

Mr. Giampietro reviewed the building code and zoning bylaw pertaining to erecting fences. He noted that Mr. Girouard stated that the fence was going to be six feet or under so Mr. Giampietro told him he did not need a building permit. He stated that once more than half of the fence goes over 6 feet in height, the setback requirements kick in. At that time, the owner is responsible for providing a survey to show placement of the fence on their property. He stated that fences can turn out to be big problems. He said that the first thing he asks applicants is what the height of the fence will be and if it is

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under six feet, he reminds the property owner that it is their responsibility to make sure that the fence is placed on their property. He noted that he did review the fence with a local surveyor and came up with an approximate lot line but that it is the responsibility of the homeowner to be sure it is legally placed.

Mr. Vecchi asked the homeowner how he decided where to place the fence. The homeowner stated that he thought the property marker was the corner of his yard and decided to bring it back slightly from the sidewalk. Sel. Hendon stated that they need the facts as to whose property the fence is on. Mr. Aspinwall stated that they could take the large scale plans from the Route 109 project. Mr. Giampietro stated that he brought out local surveyor Wayne Carlson to try to make an approximate determination and that Mr. Carlson believed his property line was around six feet behind the fence. Mr. Aspinwall stated that he will review an eminent domain taking from a piece of the corner property to see if there was a survey done and if it can be translated.

PLUMBING AND GAS FEES: Sel. Hendon read the hearing notice. Building Inspector Mike Giampietro stated that CVS came in for a permit and the dollar amount that was calculated did not correspond with the number of inspections that need to be done at the site. Plumbing Inspector Tim Costello requested that one part of the current fee schedule be removed as it isn't fair to other plumbers in Town or to the Town that permits of this magnitude be rounded down to such a low number. He is asking to strike the section that begins "For Commercial/Industrial/Municipal installations...". He noted that a job of this magnitude will take multiple inspections and he has already been there 7 times. He stated that it would only be fair for guys doing bigger jobs to pay the same rates as everyone else.

Sel. Wagner asked for clarification. Mr. Aspinwall reviewed the examples provided. Mr. Hendon noted that the fees haven't been raised in over 4.5 years.

Motion by Sel. Wagner, seconded by Sel. Hendon, to close the hearing. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Hendon, that we modify the plumbing and gas permit fee schedule dated 9/18/06 by removing the following: For Commercial/Industrial/Municipal installations valued in excess of \$2,000, permit fees will equal 1% of plumbing and/or gas contract cost. The motion passed unanimously.

SNOW REMOVAL POLICY: Mr. Aspinwall informed the Board that we have been receiving calls about removing snow on sidewalks. He stated that the SJC case applies to places of public assemblies where snow has to be removed for safe pedestrian or vehicle travel. Some people have interpreted this to mean the Town now has to plow all sidewalks and that is erroneous. He reminded the Board of the current policy to remove snow from common area sidewalks. DPW Asst. Superintendent Jim McKay informed the Board of how the current operation of sidewalk plowing works and stated that he hires two contractors to assist the Town, one who has a 6-foot plow so things look cleaner than they have in the past. He noted that the DPW has two sidewalk plows and makes sure that the walking routes for children are taken care of. Mr. Aspinwall clarified that private subdivision sidewalks are not plowed. Mr. Hendon asked if our policy has changed. Mr. McKay stated that it has not, that the Department remains to be in compliance. Mr. Aspinwall noted that there is one small area that was missed at the last storm which was on Monroe Street in front of 4-5 houses. Mr. Aspinwall acknowledged Mr. McKay and the hard work of the DPW over the last few storms despite equipment problems and other

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delays. Sel. Vecchi echoed this praise and reminded the public that they are not responsible for taking care of shoveling the sidewalks in front of the Town as we do not have a bylaw requiring us to do so.

SPRING ANNUAL TOWN MEETING WARRANT: Mr. Aspinwall reminded the Board that they typically open the warrant at the end of January.

Motion by Sel. Wagner, seconded by Sel. Hendon, to open the warrant for the May 9, 2011 Town Meeting and have it close on February 25th at noon. The motion passed unanimously.

SALARY PLAN UPDATE: Mr. Aspinwall reminded the Board that the Town will be undergoing a Personnel Review but at this time we are subject to FLSA rates and are working to be in compliance with this labor law. He reviewed the current classification plan and the differences between exempt and non-exempt employees noting that employees in a position 8A or higher are considered to be exempt. He reviewed the changes to the plan which show exempt employees being paid on a bi-weekly basis as these employees are salaried employees and are not subject to FLSA rates. He stated that Town Counsel recommended this adoption and that it would then go to Town Meeting in May. He noted that there have been no changes to rates or hours, it just clarifies what is already in existence and is in compliance with the Fair Labor Standards Act. Sel. Wagner asked why three employees are highlighted as being less than full-time. Mr. Aspinwall clarified that they are part-time employees on a weekly basis.

Mr. Giampietro raised the question as to why there are different hours listed for each position. He asked if this now allows for these positions to have their hours cut in the future. Mr. Aspinwall stated that this type of change can be done at any time if someone proposes it at Town Meeting and that this is unrelated to the chart. He stated that right now, a person can make a motion to change the budget but with the updated chart in place, they would have to make a motion to change the budget and change the Personnel Plan. Sel. Wagner asked if the chart can be adjusted and only the actual hours were listed per employee instead of 70, 75 and 80. Mr. Aspinwall stated that he feels the concern of employees tonight is more so that it gives the Town greater flexibility in reducing hours yet it provides greater transparency of what the hours are that each position is working. He stated that the penalties for not being in compliance with the FLSA are severe.

The Board agreed by consensus that they would take this under advisement and discuss it at their next meeting.

MEETING MINUTES:

Motion to approve the regular session meeting minutes from 1/10/11 and the executive session meeting minutes from 1/10/11. The motion passed unanimously.

EXECUTIVE SESSION: At 9:28 p.m.,

Motion by Sel. Vecchi to enter into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position; also, to conduct strategy sessions in preparation for negotiations with non-union

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personnel; to actually conduct collective bargaining and contract negotiations; and to emerge only to adjourn. By Roll Call Vote: Vecchi – aye, Wagner – aye, Hendon – aye.

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant