

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
July 11, 2011
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Vice Chair Donald Hendon called the meeting to order at 7:30 p.m. The following persons were present: Vice Chair Donald Hendon, Clerk Charles Vecchi, Administrative Assistant Jennifer Cederberg and Town Administrator Charles Aspinwall. Chairman Andrea Wagner was absent.

SEWER & WATER RATE HEARING: Mr. Vecchi read the hearing notice. Mr. Aspinwall started by reviewing the water rates. He recapped where things stand for FY11 and highlighted that the projected revenue came in very close to the actual numbers. He recommended a 4.5% rate increase in water on the base rate but the capital assessment is decreasing. He recommended a decrease in the capital assessment to \$28.05. He noted that the effect on the average homeowner will be approximately \$14.42 per year.

Mr. Aspinwall then went on to review the sewer rates. He noted that the 2011 projected amount of collection was lower than the actual. He recommended a 5% increase in sewer. He stated that the Town is expecting fewer sewer connections for next year. He further highlighted that the effect on the average homeowner would be \$31.32/year or \$8.08 per bill. The total increase per homeowner will be approximately \$11.50/bill.

Attorney Ellen Rosenfeld questioned the surplus in the water and sewer accounts. Mr. Aspinwall explained that this money is put back into capital improvements at the Fall Annual Town Meeting. She further asked if there is a projection on how these increases will affect the average commercial tenant. Mr. Aspinwall stated that the Town does not have this data.

Motion by Sel. Vecchi, seconded by Sel. Hendon, that for FY12 we raise the water rates 4.5% and raise the capital assessment charge to \$28.05. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Hendon that we increase the sewer rate 5%. The motion passed unanimously.

LIBRARY PROJECT STORMWATER HEARING:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to reopen the Stormwater Hearing for the Library project.

A representative from Guerriere and Hanlon was present and requested that Town Engineer Barbara Thissell make her presentation first. Sel. Hendon stated that it would not be appropriate and that a presentation from the applicant was expected. He noted that it isn't possible to kick back the hearing any further as the agenda is quite full and it is already 8:30 p.m. Wayne Klocko of the Permanent Building Committee stated that waiting to hold the hearing until 8/15 would be problematic as they have a timeline they are trying to adhere to. He expressed disappointment that Mr. Neilsen was not present to discuss the Stormwater application and make a presentation. The Board decided to hold a hearing on Monday, July 25th at 7:30 p.m.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to continue the Stormwater hearing for the Library until July 25th at 7:30 p.m. The motion passed unanimously.

SOUTHEND FARM STORMWATER HEARING: Sel. Vecchi read the hearing notice. Mr. Dan Merrikin reviewed the history of the Southend Farm Subdivision. He noted that for each lot, a hearing must be held to show compliance to the permit guidelines. He noted that there are currently 3 homes on the property, two of which are occupied. He noted that a few homes are being built per year.

He began by reviewing Lot 23, Beech Street. He noted that the house was made smaller due to market conditions and the boundary of the landscape areas was changed at the request of the Conservation Commission. He noted that there

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is a wetland in the field on the left of Beech Street and a notice of intent has been filed with the Conservation Commission. He said that a minimum of 30% of each lot will be set aside as a natural preservation area and that this lot is closer to 58%.

Mr. Merrikin then went on to review 13 Beech Street, Lot 25, and noted it is a very similar configuration with a slightly larger house with a build date of approximately a year to a year and a half. He noted that this lot also has approximately an additional 32,000 sq. ft. of natural preservation area. He reviewed Ms. Thissell's comments and stated that the issue of groundwater can be addressed as a condition of approval. Ms. Thissell stated that engineering-wise, the concern about the groundwater and proposed roof runoff leaching fields can be easily addressed.

Mr. Merrikin reviewed 21 Beech Street Lot 29. He noted that this lot does contain part of the subdivision's roadway infrastructure system. He said that the lot design is very similar to the other two previously discussed but there would be some filling in the front yard over the septic system. He further noted that this lot provides an additional 26,000 sq. ft. of natural preservation area above and beyond the 30% required.

Mr. Aspinwall noted that there is sheet flow coming off of lots 26, 27 and 18 that he and Mr. McKay have observed that will have to be taken care of even though those lots are not under review tonight. Ms. Thissell stated that the plans are in great shape and reviewed a few items that could be addressed in the permit as conditions of approval such as a portable toilet and a dumpster onsite. The Board agreed to keep the hearing open and review the proposed permits for their next meeting.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to continue the Stormwater Hearing for South End Farm until 7/25 at 8:00 p.m. The motion passed unanimously.

ABATEMENT REQUESTS: Attorney Ellen Rosenfeld spoke concerning her requests to abate fire lines at 730 Main Street, 27 Millston Road and 2 Millston Road. She reviewed the history with water bills and Gold's Gym. She noted that she gets 2 bills every month for Gold's Gym: one for the water usage and one minimum bill based on a 5/8ths inch meter plus the capital assessment. She noted that the reading on the bills are 0 because there has never been a fire and the sprinkler systems have not been faulty. She stated that this is approximately \$45/quarter. She provided the Board with a list of all commercial properties in Town who are also responsible for this fee and stated that she owns more than half the properties. Att. Rosenfeld phoned other towns and provided the Board with a list of how they handle their sprinkler/hydrant fee.

Mr. Aspinwall stated that the methodology Millis uses is long-term and shared by many neighboring communities. He referred to a 2001 audit which gave background information on why communities charge for fire protection. Jim McKay of the DPW reviewed Att. Rosenfeld's numbers and noted that the fire systems are tested every 6 months at the expense of the property owner. He stated that if the pipe on the property being billed were to be used, there would be no way to measure the amount of water being utilized at that point. Mr. McKay reviewed his survey numbers of what other surrounding towns are doing in this area, including the Towns of Franklin, Medway, Medfield, Ashland, etc.

Sel. Hendon questioned why GAF has not been billed since they have had a connection since 2005. Mr. McKay stated that GAF is not in the system but Mr. Aspinwall disagreed and stated that they are. Mr. Vecchi stated that we must be equitable and treat all business owners the same. Mr. Hendon stated that we need to get our house in order to ensure that everyone is being treated the same in terms of billing. Attorney Rosenfeld stated that GAF and Gold's Gym came on line at the same time and that she is being billed yet GAF is not. She questioned if homeowners are responsible for paying if a hydrant is tapped in the event of a home fire. Mr. Aspinwall stated that we can go to a different methodology and what we are doing right now. Mr. Vecchi pointed out that going to the annual fee would probably mean an increase in what Attorney Rosenfeld is currently paying. Mr. Hendon stated that he views this methodology

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as an insurance policy. Mr. Aspinwall stated that the meter is in place to ensure that water is not being tapped into and to keep people honest so that theft does not occur.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to close the sewer and water rate regulation hearing. The motion passed unanimously.

WATER/SEWER BILL EXTENSION REQUEST: Mr. Aspinwall reviewed the request from a resident of 50 Union street who had a pipe burst and is waiting to hear from their insurance company as to whether or not their water bill will be covered as part of their claim. He stated that the homeowner is looking for a 60-day extension to have an answer from their insurance company. He said that he would not waive the interest at this time until it is determined how and who is going to be responsible for the bill. The Board agreed, by consensus, that they would allow her the 60-day extension and revisit the item in September.

RIDGE STREET CULVERT: Mr. Aspinwall reviewed the bidding process for the Ridge Street Culvert and recommended awarding the contract to R.A. Hammond Construction.

Motion by Sel. Vecchi, seconded by Sel. Hendon, that we award a bid for the Ridge Street Culvert replacement project to R.A. Hammond Construction Corp. in the amount of \$201,769.50. The motion passed unanimously.

SPECIAL POLICE OFFICERS:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to appoint as Special Police Officers for the Town of Millis for FY2012 from the Town of Norfolk the officers that are on the list provided. The motion passed unanimously.

MEDWAY VFW:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to grant a permit for Medway VFW Post 1526 to sell Poppys at Roche Brothers on November 11th and 12th from 9 a.m. – 5 p.m. The motion passed unanimously.

CYCLE FOR LIFE:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to grant a permit for the Cystic Fibrosis Foundation to conduct their 2011 Cycle for Life Bicycle Tour for riders to travel through Millis on October 1st, 2011, on Bullard Lane and Orchard Street subject to coordination with the Police Department. The motion passed unanimously.

KEOUGH DEED:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to accept a Quitclaim Deed on the property on Farm and Acorn Street as described in the documents for the amount of \$1. The motion passed unanimously.

PBC FEE WAIVER REQUEST:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to waive the fees relating to trenching permit, water and sewer permits, building permit, and half of the plumbing, gas and electrical permits and stormwater permit for the Library project. The motion passed unanimously.

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SUPPORTIVE DAY ACTIVITIES DIRECTOR:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to appoint Carol Cahill as a Supportive Day Activities Director in the Council on Aging subject to a CORI. The motion passed unanimously.

SPECIAL MUNICIPAL EMPLOYEES: Mr. Aspinwall reviewed the State Ethics Laws prohibiting Town employees from holding more than one position without the positions being designated as Special Municipal Employees.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to designate the following municipal employee positions as special employees: Data Processing Assistant/Accounting Department, Data Processing Coordinator/Accounting Department, Department Assistant II/Accounting Department, Department Assistant III/Accounting Department, Department Assistant I/Building Department, Deputy Wiring Inspector/Building Department, Wiring Inspector/Building Department, Department Assistant II/Community Preservation Committee, Department Assistant II/Conservation Commission, Emergency Management Co-Director/Emergency Management, Department Assistant I/Finance Committee, Call Firefighter/Fire Department, Forest Warden/Fire Department, LEPC Coordinator/Local Emergency Planning Committee, Department Assistant II/Permanent Building Committee, Permanent Intermittent Police Officer/Police Department, Department Assistant I/Department of Public Works, Recreation Director/Recreation Department, Basketball Coach/School Department, Football Coach/School Department, Council on Aging Director/Senior Center, Respite Coordinator, Senior Center, and Department Assistant II/Town Clerk's Office. The motion passed unanimously.

SHORT-TERM NOTE DOCUMENTS:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to authorize the Treasurer/Collector to borrow the amount of \$300,000 a one-year note to pay for Article 44 of the Annual Town Meeting on 5/9/11 to purchase the Dewey property at the corner of Exchange and Orchard Streets with a rate on the note of 1.15%. The motion passed unanimously.

POLICE CHIEF SEARCH: Mr. Aspinwall reviewed options as discussed at previous meetings for examining potential candidates for the Police Chief position. He recommended establishing a committee and utilizing the help of a consultant to conduct an assessment center. He stated that he would like to use an open recruitment process and finalists would be put through a series of situational exercises where they are put in actual live situations during which they would have to exhibit the skills necessary to navigate and solve that situation. He reviewed a list of recommended Search Committee members and reviewed the charge of the committee.

Motion that we form a Police Chief Search Committee and to that committee we appoint the following people: Board of Selectmen Representative – Andrea Wagner; Finance Committee Representative – Chris Smith; School Department Representative – to be chosen by the School Committee; Long-term resident – James Neville; Former Town Official – John Dugan; Former Town Employee – Leo Acerra, Town Administrator Charles Aspinwall. The motion passed unanimously.

INTERFUNCTION TRANSFERS: Mr. Aspinwall reviewed the list of final Interfunction Transfers for FY11.

Motion by Sel. Vecchi, seconded by Sel. Hendon, that we approve the following interfunction transfers: 10,860.85 from the Transfer Station Expense Account to the DPW Expense Account; \$213.28 from

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Animal Control Salaries to Animal Control Expense; \$119.07 from Finance Director/Accountant Salaries to Finance Committee Salary; \$6,514.88 from Legal Expense to Selectmen/Town Administrator Maintenance Contracts; and \$1,108.41 from ZBA Salary to Sick Leave Buyback. The motion passed unanimously.

FINAL WATER BILLS & SPECIAL COMMITMENTS:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to commit to the Collector Final Water Bills and Special Commitments in the amount of \$2,011.79. The motion passed unanimously.

DEWEY PROPERTY:

Motion by Sel. Vecchi, seconded by Sel. Hendon, that we approve and execute the acceptance of deed for 5.53 acres, from Priscilla Dewey Houghton, in the amount of \$300,000. The motion passed unanimously.

I/I REPORT UPDATE: Mr. Aspinwall reviewed the Infiltration/Inflow summary report for the Board's consideration. He recommended moving forward with items # 1a, 2, 4, 13, and 14. He noted that there is the potential through these items to fix almost 26,000 gallons per day of I/I under item 1a, 3,240 gallons under item 2 and 10,440 under item 4. He noted that these would require an appropriation at Town Meeting and may include sewer service repairs and sewer manhole repairs.

MINUTES:

Motion by Sel. Vecchi, seconded by Sel. Hendon, to approve the Regular Session meeting minutes from 6/20/11, 6/27/11 and 7/5/11 as well as the Executive Session meeting minutes from 6/20/11. The motion passed unanimously.

ADJOURN: At 9:40 p.m.,

Motion by Sel. Hendon, seconded by Sel. Vecchi, to adjourn. The motion passed unanimously.

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant