

**BOARD OF SELECTMEN**  
**REGULAR SESSION MEETING MINUTES**  
**August 29, 2011**  
**Veterans Memorial Building, Room 229**  
**900 Main Street, Millis, MA 02054**

**CALL TO ORDER:** Chair Andrea Wagner called the meeting to order at 7:30 p.m. The following persons were present: Chair Andrea Wagner, Vice Chair Donald Hendon, Administrative Assistant Jennifer Cederberg and Town Administrator Charles Aspinwall. Clerk Charles Vecchi was absent. The meeting was not broadcast live as the building was operating on Generator power.

**ANNOUNCEMENTS:** Sgt. Dwyer and Mr. McKay gave an update as to the events of the weekend and Hurricane Irene. Mr. McKay noted that the power outage at the Town hall was somewhat expected as NStar attempts to power up those portions of Town that are still in the dark. Sgt. Dwyer stated the police dispatch system is operational for calls coming in but for calls going out, when power is out, handheld radios are used. Mr. McKay noted that there are still a number of areas in Town that are still without power or operating on generator power. Chm. Wagner noted that the streets in Millis were very well taken care of in comparison to surrounding Towns.

**EXCHANGE ST. GRANT:** Mr. Aspinwall reviewed a letter that was sent out in August to residents and business owners on Exchange Street. He reviewed the phases that the Town has gone through and noted that the next step in the development of the Town center is the rehabilitation of the physical infrastructure of the Exchange St. business area including the introduction of pedestrian crossings which will be essential when the new Library is built. He also noted that this would include reconfigured parking on-street from angle parking to parallel parking. He noted that the grant program citizen input will be submitted to the Massworks Infrastructure Program which is part of the Executive Office of Housing and Economic Development. He stated the Town would be responsible for 90% of the engineering/design costs for the project but 100% of the development costs would be paid for by the grant. He stated this is an economic development initiative. He noted that this is a fast-track process which would be designed to start in the Spring. He presented the Board with a letter that will be going out to business owners and state politicians if the Board supports moving forward with this project.

**Motion by Sel. Hendon, seconded by Sel. Wagner, to approve submitting the grant to the Massworks Program. The motion passed unanimously.**

**BOGGESTOCK:** Mr. Aspinwall reminded the Board that they previously approved an alcohol license for a one-day “band jam” but that over the summer the Town became aware that this was a large-scale event, selling tickets with up to 500 people in attendance and there are concerns because of the construction and closing of the Ridge Street Culvert. This would cause emergency response issues as the traffic pattern would be drastically changed during this construction. Mr. Aspinwall noted that Zoning Enforcement, Fire and Police met with representatives from the Boggestowe Fish and Game Club to discuss their concerns.

Building Inspector/Zoning Enforcement Officer Mike Giampietro noted that he reviewed zoning for the Boggestowe Fish and Game Club which is pre-existing, non-conforming, and that in the past only one band has played onsite while this event has five. He stated that having five bands would be considered illegal under the zoning bylaw as they would be increasing their pre-existing non-conformity status. Mr. Giampietro stated that Steven Teague from the Fish and Game Club concurred that the Club had not had five bands in the past. Mr. Giampietro stated that he contacted Town Counsel to confirm the zoning interpretation and that Town Counsel agreed with Mr. Giampietro. He stated that the only allowed use would be for the Club to have one band only: more than one band would be expanding their pre-existing non-conforming use designation.

Chief Champagne stated that his concerns are access to the property with the culvert being out of service. He stated that it is 8.5 miles to get around through back roads to the site from the Fire Station. He noted that this could take 10-12 minutes each way. He said the roads going through Sherborn are so narrow that one vehicle would have to stop and therefore, the response time could be longer than 12 minutes. He also noted that the Town of Sherborn would not commit their resources to assisting this event. He stated their department feels it strips their Town of resources. He

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suggested that the Club hire a private ambulance company to cover the event and that fire is not a huge concern as the event is outdoors.

Sgt. Dwyer stated that Police concerns are similar to the Fire Department in regards to response time and that they would have to ask Sherborn to assist them. He also noted the event is going to be 8-9 hours long and that this would cause a strain on the Towns of Sherborn and Millis and that no plans have been made for detail officers. He stated it puts a lot of strain on the Town if there is a problem even with detail officers on site in that they would still have to get a cruiser there. He stated the biggest issue for the PD is the length of the event. He also discouraged parking on Ridge Street and stated parking should be contained on the grounds of the Club itself.

Steven Teague from Boggestowe Fish and Game was present. He stated that pre-existing, non-conforming status is important to the Club. He said that this status does not require the Club to come forward to request permission for events: only alcohol licenses. He said that the Board needs to consider the letter of the law and what the club is allowed to do under their pre-existing designation. Mr. Teague stated that the bridge is not out yet so public safety is not yet a concern and that there are two ways to enter the Club grounds that are public ways. He stated that there are a lot of what-ifs and his what-if is what if the event goes smooth. He noted that he has not asked for Police details yet as he is waiting to see for the outcome of the meeting tonight. He stated that they have had up to 750 people onsite and their pavilion itself seats 400 people. He further noted that they have received permission from Ms. Cassidy to use her property for parking which is approximately 12 acres. A member of the club noted that they have not ever had visitors to the Club park on Ridge Street.

Mr. Hendon stated that there are 500 tickets to be sold. The question was asked as to how additional people are going to be prevented from entering. Mr. Teague stated cars and individual IDs will be checked and people will be turned away at the gate. He went over the list of bands to appear and what type of music will be played. He stated that the demographics of the followers of these local bands are primarily adults over age 35. He noted each band will play a one-hour set so that there is five hours of music being played through the course of the day and that the place will be cleared out during daytime hours. Mr. Aspinwall pointed out that the request for their alcohol license was for either 11 p.m. or midnight. Mr. Teague stated that 9 p.m. would be fine for them.

Sel. Hendon noted that he is concerned about the parking for the event and the number of cars traveling down Ridge Street. He further stated that he is worried that there are going to be more than 500 people present which means additional traffic trying to get in even if they are turned away. Mr. Teague stated that they could put out signs indicating the event is sold out if this takes place. He stated that there will be police details depending on the outcome of the meeting. Mr. Teague further informed the Board that there is a licensed EMT who has volunteered his services for the day and he is unaware of the cost of hiring a private ambulance company. Mr. Hendon questioned how they are going to prevent individuals from bringing in alcohol. He noted that the culvert being out is a major issue.

Chief Champagne noted that the arrival time for FF/EMTs is not acceptable. Mr. Giampietro reviewed what the term pre-existing, non-confirming means: they pre-date zoning laws and bylaws and are allowed to have repeat functions that have taken place within the last 10 years but they are not allowed to have a function that they have not ever had in the past. He reminded the Board that Mr. Teague is in agreement that they have not had an event like this in the past. He stated they have had a one-band event and now they are increasing to a 5-band event which is increasing their pre-existing, non-conforming use. He noted that he is making a decision as Zoning Officer that this would violate the zoning bylaws. He noted the relief mechanism for Mr. Teague is to appeal to the Zoning Board of Appeals which takes time (30 days, a public hearing, notify abutters). He noted that it is unfortunate that the timeframe to see this process through is so tight.

Ms. Beverly Temple of Ridge Street stated that she is concerned about the safety of the function as the road is so narrow and the bridge is going to be out. She stated there have been many drunk motorcyclists who have left the

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property, throwing bottles and urinating in people's yards. She noted that the bridge was out when there was a function last year and there was parking all over Ridge Street and motorists were turning around in her driveway.

Health Director Scott Moles stated that the Club has not applied for a temporary food permit for the event and that there are concerns about trash, water, toilet facilities/portapotties, making sure the club identifies their food storage, cooking temperatures, gloves, hand washing. He stated that if the function is approved, they still have to go through a process with the Board of Health and no application has been submitted so far.

Bonnie Hilton from Village Street asked if there is a difference in 5 hours of music with 5 bands vs. 5 hours of music with one band.

Mr. Teague stated that they have never been required to obtain a food permit but that they will do this as well. Chm. Wagner stated that it is the responsibility of the applicant or function manager to research what permits are required and to apply to the Town for those permits: the Town does not seek out applicants.

Mr. Giampietro stated that zoning violations can sit out there and have nothing done if there is no zoning enforcement complaint filed.

Chm. Wagner reviewed the multiple issues facing the Board and stated that she is not prepared to make a determination without first having a conversation with Town Counsel and that if a permit is issued, there would be a multitude of conditions attached, most of which have been heard tonight. Sel. Hendon concurred. This issue will be discussed on Thursday, September 1 at 5 p.m.

**RECREATION UPDATE:** Kris Fogarty of the Millis Recreation Department gave an update as to the financial status of the Department. She stated that the Department is doing well and has provided the Board with quarterly reports. She informed the Board that her department now has the responsibility of paying for the watering of the fields. She stated that she would like to have a municipal rate applied to the water bills and for the time being, that the Capital Assessment Fees for the last two bills be waived. The Board agreed by consensus that this could not be done.

**BRUSH PICK UP:** Mr. Aspinwall reviewed issues surrounding Hurricane Irene. He noted that cleanup so far has been at the curb. He noted that there have been multiple requests for people to have town trees removed that have fallen on their property and that some Towns will do this and others don't but that the Town of Millis does not have the legal right to obtain access to the tree. Chris Smith of the Finance Committee suggested that the Town move forward with curbside pickup as Free Cash could be available to fund this and the Transfer Station is not a viable option in terms of moving brush for all residents. Chm. Wagner asked if we could expand transfer station hours for some people to use. Mr. McKay stated that they would be prepared to open tomorrow for permit holders only. He stated he would like to be open every day during regular business hours for 2-3 weeks. The Board agreed that this would be a good option in conjunction with the curbside pickup.

**Motion by Sel. Hendon, seconded by Sel. Wagner, to open the transfer station from 7:30 – 3:30 p.m. Monday-Friday until September 12<sup>th</sup>, for permitted residents only for brush removal: no trash, excluding Sundays and Labor Day. The motion passed unanimously.**

**Motion by Sel. Hendon, seconded by Sel. Wagner, to approve the DPW and a private contractor to put brush only outside on the curb by 9/6/11 and inform the public how this is going to work. The motion passed unanimously.**

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**CONTRACT AWARDS:**

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve a contract for water testing to Premier Laboratory of Dayville, CT, in the amount of 2011: \$1,952, 2012: \$4,771 and 2013: \$7,723. The motion passed unanimously.

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve a contract for backflow prevention testing to Toomey Water Services of North Brookfield, MA, in the amount of \$35/test for a three year contract. The motion passed unanimously.

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve a contract for Catch Basin Cleaning to Truax Corporation of Lakeville, MA, for Year 1: \$11,025, Year 2: \$11,925 and Year 3: \$12,825. The motion passed unanimously.

Motion by Sel. Hendon, seconded by Sel. Wagner, to award a contract for Sewer Jet Cleaning to Clogbusters of Millis, MA, in the amount of \$105/hour. The motion passed unanimously.

**DEED ACCEPTANCES:**

Motion by Sel. Hendon, seconded by Sel. Wagner, that the Board to vote to accept and execute the easement deed for JOPA Realty for the electrical easement and also for the crossing easement into the parking establishment for JOPA. The motion passed unanimously.

**WATER/SEWER COMMITMENT:**

Motion by Sel. Hendon, seconded by Sel. Wagner, to commit to the Collector for the Water and Sewer Department for final water bills and special commitments in the amount of \$458,985.33. The motion passed unanimously.

**SIGN PERMIT REQUEST:**

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve the placement of a sign for Isabella's Restaurant, the sign to be placed across Route 109 at the end of Exchange Street closest to the curb not blocking the walking path of the sidewalk in any way, sign to be placed from 8:30 a.m.-7 p.m. Monday-Friday and 8:30-6 p.m. on Saturday with the stipulation that the sign be taken in at the end of the day. The motion passed unanimously.

**VACATION TIME EXTENSION:** The Board asked Mr. Aspinwall to review the matter with the Department Head as it appears that the employee would not have been able to use the time she requested. Mr. Aspinwall will report back on this matter.

**MEETING MINUTES:**

Motion by Sel. Hendon, seconded by Sel. Wagner, to approve the regular session meeting minutes from 8/15/11. The motion passed unanimously.

**ADJOURN:** At 9:41 p.m.,

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

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*Respectfully Submitted,*

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*Jennifer G. Cederberg, Administrative Assistant*