

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
October 24, 2011  
Veterans Memorial Building, Room 229  
900 Main Street, Millis, MA 02054**

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

**ANNOUNCEMENTS:** Tom Ward's passing.

**CONTINUED DOG HEARING:** Sel. Wagner swore in the individuals who would testify.

Animal Control Officer Brenda Hamelin reviewed the timeline in her memorandum dated 10/13/11 beginning with a complaint she received on July 13<sup>th</sup> where Mr. David Flowers reported that he'd been bitten by a border collie on Ridge Street and the owner refused to give him any information on who she was or who the dog was. She attempted to contact the Mahan family who she suspected owned the dog but they did not respond. She decided to ask the Millis PD, Sgt. Quinn, to attempt to reach the homeowners, which he did, and stated that Mrs. Mahan admitted that it was her dog that bit Mr. Flowers. She reported that the dog was found loose less than one hour after Sgt. Quinn visited the Mahan family. Ms. Hamelin reported that Mr. Flowers had to undergo post-exposure shots due to the fact that there was a big lapse in time between the time he was bitten and the time that she was able to quarantine the dog.

Ms. Hamelin stated that on August 25<sup>th</sup> she received a fax from Milford Hospital that a woman had been bitten in the leg by the same dog that bit Mr. Flowers (Colin). The dog was put on another 10-day quarantine and the owner was cited for leash law violations and the bite.

Mr. David Flowers reported that he has been running in the same area for approximately 30 years very early in the morning and on the morning in question, a dog came out of nowhere and bit him on the leg. At that time, he did not see the owner but the owner did appear with another dog, both off leash. He stated that he questioned the owner as to whether or not she was aware there was a leash law in Town and that the owner responded that she liked to let her dogs run. He noted that he still has sensitivity in this particular area on his leg. He further stated that because of timing, he had to endure rabies shots and other post-exposure shots in his hips and into the wound. He stated that all of this could have been prevented if the dog owner had the dog on a leash.

Ms. Melanie Malone, the other citizen who sustained a bite from Colin, stated that she likes to run but does not feel safe doing so with dogs like this loose. She said she is new to the neighborhood and does not want to cause any trouble. She informed the Board that the Mahan family was cooperative with her but that damage was done to her leg which she feels will eventually heal.

Mrs. Mahan apologized for her dogs' behavior and stated that she has never had a dog complaint on her older dog. She claimed that she did attempt to contact Brenda as soon as she was aware of the situation. She noted that this past week, she had the dog evaluated by a professional AKC trainer and he received a good citizenship certificate. She stated that she did have the dog neutered and her dogs have not been off leash since the incident with Ms. Malone.

Mr. John Mahan apologized to the individuals who were bitten by their dog. He stated that his family was misled when they originally got the dog in terms of its age and its disposition. He said they have been vigilant in trying to correct this problem and that they plan on having the electric fencing in their yard fixed. Mr. Mahan stated that the issue with his dog chasing the horse was over 12 years ago (it was in 2003 according to Ms. Hamelin's records). Ms. Hamelin gave specific examples of earlier problems the Mahans have had with other dogs dating back almost 10 years. She said that the training noted will only work if there is diligent follow-through and a lot of work.

Sel. Wagner asked for a general description of the breed from Ms. Hamelin. Ms. Hamelin stated that border collies are specifically bred to herd animals, particularly sheep. She said the breed needs to be kept busy and when they are "herding" animals, they will bite them.

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Sel. Wagner asked for Ms. Hamelin's recommendation on the disposition of this hearing. Ms. Hamelin recommended a permanent restraining order with a muzzle order whenever the dog is outside or on a leash. She stated that there is no overnight fix and whatever training is used, it will need to be continually reinforced. She said that she would not count on the electric fence to keep the dog in the yard as some dogs do not respect it.

Sel. Vecchi stated that he feels it is his job to safeguard people in the Town first. He said the dog has already bitten two people and that he is very concerned that it will happen again. Ms. Mahan asked the Board to consider the certificate he received as a "Good Citizen" and that Colin is not vicious: he herds. She stated that she is the one to blame.

Ms. Malone's boyfriend spoke and stated that their main concern is that the dog is kept in the home away from areas that it can escape from. He expressed concern that the dog could bite another person.

Sel. Hendon stated that after listening to the testimony, he does not feel that extra caution is going to help as there have already been two bites in a short period of time. He stated that despite their plans for Colin, he is still gravely worried about other joggers or children or residents and that serious precautions need to be taken to see how the dog will behave in the future.

**Motion by Sel. Vecchi, seconded by Sel. Hendon, to rescind the finding that Colin is a vicious dog. The motion passed unanimously.**

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

**Motion by Sel. Vecchi, seconded by Sel. Hendon, that we find that Colin is a vicious dog. The motion passed with Sel. Wagner in the negative.**

Sel. Wagner stated that she feels that a permanent restraining order with a muzzle order would be appropriate. Mr. Aspinwall stated that a permanent restraining order allows for the Town to seize and euthanize the dog if there are further incidents, with appropriate court permission. Mr. Aspinwall stated that it would depend on the particular situation and the nature of the violation and the Board could consider alternate options.

**Motion by Sel. Wagner, seconded by Sel. Hendon, that Colin Mahan be subject to a permanent restraining order requiring him to stay at his home at 277 Ridge Street providing that he shall always be on a leash, when he is outside he shall be tied, when he is outside he shall be muzzled, that he shall be licensed on time and that he continue with his training. The motion passed with Sel. Vecchi in the negative.**

**CURB CUT HEARING:** Brian Joyce, attorney for Dunkin Donuts reviewed the process for enhancing the exterior and interior of the Dunkin Donuts located across the street from the Town Hall on Route 109 which will include installing a drive-through window. He stated that the Curb Cut Permit is the last step in the approval process as approval has already been received by the Planning Board. Rick Merrikin from Merrikin Engineering presented the Board with a plan outlining the work that is to be done to accomplish the renovations. Sel. Hendon clarified that there will not be parking places behind the building and that the drive through lane will hold approximately 10-11 cars before they approach the street. Mr. Merrikin said that employees will continue to park offsite. Ms. Wagner asked for an explanation of the Opticom System which alerts people, via traffic lights, that emergency vehicles need to get through an intersection.

**Motion by Sel. Vecchi, seconded by Sel. Hendon, that we grant permission to Millis Donuts Inc. for the curb cuts as laid out on the plan dated 10/7/11 with two conditions: payment for \$20,000 for**

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**improvements to the Opticom System and issuance of a Building Permit at the same time. The motion passed unanimously.**

**PERSONNEL PLAN:** Mr. Aspinwall reviewed three final changes submitted at the suggestion of the Finance Director and additional comments submitted by the Recreation Director. He presented the Board with the State of MA Personnel Policy table of contents and noted that there are many of the same policies included in the table of contents for the policies proposed for the Town of Millis. He said that there are a number of things that can be done to minimize the effect this will have on volunteers and that distribution would be handled as an administrative issue.

Ms. Wagner stated that she is in support of the plan and there are very few policies that have been added: they are either state law or existing policies. She discussed the issue of the Snow and Ice stipend and whether or not the Board wishes to make it retroactive to last year.

Cathy MacInnes from the Planning Board spoke about her particular concerns including the definition of an “At-Will Employee”. Mr. Aspinwall explained the grievance process. She went on to express concerns on the manner in which jury service payment is handled as well as the language in the Sexual Harassment Policy. She asked what would happen if an elected official is injured on the premises. Attorney Brian Mazor stated that this would be covered under MGL Chapter 152.

Ms. MacInnes asked who the Planning Board Secretary reports to. Mr. Aspinwall stated that she reports to the Chair of the Board. Ms. MacInnes asked where, in the policy, does it say that these policies are directory for elected officials. Mr. Aspinwall stated that elected officials will be asked to review and sign the policies but that they cannot be ordered to.

Ms. Wagner asked for clarification on the Snow and Ice stipend and whether or not the stipend would begin today or be retroactive a year as this is when the discussion first began. Mr. Aspinwall stated that the retroactive pay would be approximately \$3,000. Finance Committee Chair Chris Smith stated that there is an equity issue when it comes to making one person’s increase retroactive while other employee’s increases are not. Sel. Hendon stated that he is not sure going retroactive with this stipend is the right thing to do. Mr. Aspinwall stated that the money would come from free cash.

**Motion by Sel. Vecchi, seconded by Sel. Hendon, that we approve the Town Personnel Plan Schedules A-D as written and put forward and direct the Town Administrator to undertake the training and orientation of volunteers and appointed board members as an administrative issue with Department Heads and add the changes under the sick leave bank policy which would add the sentence “If some days are used from the bank, the remaining days above 150 at year end shall be returned to the employees on a proportionate basis based on number of days donated” and under the Sick Leave Bank F strike the portion that reads “and only with the permission of the Town Administrator. Carry over permission shall be sought well in advance of the employee’s anniversary date” and strike the entire section L on page 36 which reads “Advance Funds: funds will be advanced for ground transportation and meals when requested; receipts are required to be submitted to the Town Accountant’s Office”. The motion passed unanimously.**

Mr. Aspinwall thanked the Board for their support and attentiveness.

Sel. Hendon left the meeting at 9:30 p.m.

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**WARRANT REVIEW:**

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we reconsider Article 32 and that we add to the previously made motion the amount of \$3,000 which would be a retroactive stipend to the Assistant Director of Public Works for the year 2010. The motion did not carry with Sel. Wagner voting in the negative.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 1 Unpaid Bills in the amount of \$4,559.18. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 2. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 5, the Massworks grant, a borrowing in the amount of \$990,000. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 6, sewer system repairs and I/I repairs in the amount of \$101,300 from sewer surplus. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 7, water system improvements, in the amount of \$200,000 the money to be coming out of the water surplus. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 8, DPW Vehicle, in the amount of \$60,432, \$33,048 to come from what was previously voted, \$11,016 to come from water, \$11,016 to come from sewer, and \$11,016 from overlay. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 9, data processing, in the amount of \$40,000, funds to come out of new growth estimates. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 12 in the amount of \$16,630 for non-lethal police weapons, \$5,726 to come from free cash and \$10,904 to come from new growth. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of the Selectmen support Article 16, improvements to the Niagra Hall Firehouse, in the amount of \$120,000 said funds to come out of the CPA Funds. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 17, to see if the Town will require that all departmentry detailed proposed budgets be posted, and available as digital download, on the town of Millis website, Millis.org, 30 days prior to the spring town meeting article vote, or act in any manner relating thereto. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 18, a Council on Aging Respite Day Program revolving fund, said fund not to exceed \$10,000. The motion passed unanimously.

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**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support the dismissal of Article 19, the GIS System. The motion passed unanimously.**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 20, which would fund an Overlay deficit in the amount of \$7,333.41 to be funded out of the Overlay Surplus. The motion passed unanimously.**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 21 to reduce the tax rate in the amount of \$198,090 said funds to come out of the tax rate reserve. The motion passed unanimously.**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 22 to add \$100,000 to the stabilization fund, said funds to come out of free cash. The motion passed unanimously.**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 23 in the amount of \$100,000 to go in the unfunded health insurance fund, said cash to come from free cash. The motion passed unanimously.**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 26, which includes budgets response to Hurricane Irene: \$67,013.13 for the DPW, \$3,276.83 for the Police Department, \$7,925.95 for the Fire Department, \$2,419.26 for the School Department from free cash, and \$20,050 to general insurance from new growth, \$72,629.60 to debt from sewer and \$54,659.00 to Sped Costs Circuit Breaker from free cash. The motion passed unanimously.**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board of Selectmen support Article 27, to see if the Town will vote to authorize the Board of Selectmen to enter into a contract for the purchase of electrical or natural gas energy for a term not to exceed five years, or take any action relating thereto. The motion passed unanimously.**

**MPO VOTING:** Mr. Aspinwall reviewed the process for the MPO elections and the vacant seats. The Board agreed, by consensus, to choose Hopkinton for the SWAP Seat and Natick and Needham for the At-Large Town Seats.

**LIBRARY SUB-BIDS:** Mr. Aspinwall noted that the actual numbers came in lower by approximately \$142,583 but there has been one protest on the HVAC bid which is being heard this week.

**VETERANS DAY PROCLAMATION:** Mr. Vecchi recapped the history of the Veterans Day proclamations and proposed that the Board do it again this year.

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the BOS issue this proclamation on Veterans Day 2011: In 1954, President Dwight D. Eisenhower signed the first Veterans Day proclamation calling on our nation to “pay appropriate homage to the veterans of all its wars who have contributed so much to the preservation of this nation.” Our nation has fought, and continues to fight, battles around the world. The words of that first proclamation still ring true: “Let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain.” We remember with somber and grateful hearts those men and women who have served the United States of America with distinction and valor as sailors, soldiers, airmen and Marines, and offer our sincere prayers for those who continue to defend the principles on which our nation was founded. The state of Massachusetts is home to thousands of our nation’s military**

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families. We are proud to recognize our country's veterans and extend the appreciation of our citizens to those who wear the uniforms of the United States Armed Forces and serve on the front lines preserving the freedom and liberty. We, the Town of Millis Board of Selectmen, do hereby proclaim November 11, 2011, as VETERANS DAY in the Town of Millis and encourage all townspeople to observe and appreciate the sacrifices and contributions of our veterans who fought for peace and defended democracy in our land and abroad. In the Town of Millis, given this 11<sup>th</sup> day of November, 2011. The motion passed unanimously.

**STRATEGIC BUDGET SUBCOMMITTEE:** Mr. Smith suggested that the Board task a sub-committee of the Finance Committee to report back to them in this manner since the original subcommittee was not reappointed in July. He also suggested that there could be a committee of committee/board Chairs that could also be formed. The Board will reconsider the formation of the subcommittee after they have their last meeting to close out the approval of meeting minutes.

**EPISCOPAL DIOCESE:**

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board grant an abatement to the Episcopal Diocese in the amount of \$44.64 for a final water bill. The motion passed unanimously.

**SIGN PERMIT REQUEST:**

Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Board grant a sign permit to David Sullivan, Plaid Jacket Antiques of 956 Main Street in Millis, MA, to erect a sandwich board sign advertising his antique shop on the small grass strip adjacent to the sidewalk/driveway at 956 Main Street (Rt. 109), sign to be no larger than other sandwich board signs subject to a liability waiver by the applicant. The motion passed unanimously.

**MA FILM OFFICE SURVEY:** Mr. Aspinwall reviewed the email from the MA Office of Travel and Tourism.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we direct Jenn to fill out the attached survey. The motion passed unanimously.

**CLEANING CONTRACT:**

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we award a cleaning contract for Town Buildings to Integrity Services, Jeremy Beland, of Stoneham, MA in the amount of \$280 per week to clean the DPW, Town Hall, Library and Police/Fire Station. The motion passed unanimously.

**RIDGET ST.:** Mr. Aspinwall informed the Board that the project is moving along.

**MEETING MINUTES:**

Motion by Sel. Vecchi, seconded by Sel. Wagner, to accept the regular session meeting minutes from 10/17/11. The motion passed unanimously.

**ADJOURN:** At 10:55 p.m.,

Motion by Sel. Vecchi, 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*