

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES**

April 2, 2012

**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, Clerk Charles Vecchi, Town Administrator Charles Aspinwall and Administrative Assistant Jennifer Cederberg.

ANNOUNCEMENTS: Fire Chief Warren Champagne's retirement effective 6/30/12. This topic will be discussed again at the next meeting to agree upon an option for the recruitment process. Harlem Rockets at the Millis High School on Friday, February 13th at 7 p.m.

NEW LIBRARY CHANGE ORDERS: Wayne Klocko of the Permanent Building Committee appeared to discuss the change orders which are a result of the de-watering and soil contamination remediation at the new library site. He explained what happened when the footings were being dug and the contamination was discovered. He noted that this was an unforeseen event and that the PBC's recommendation is to pay the bills associated with the remediation. Mr. Klocko reviewed a memo dated 3/21/12 from Oudens Ello Architecture which explains and breaks down each proposed change order. He then went on to describe the issue of de-watering. He stated that the contractor pumped over 2 million gallons of water off of the site in order to make it possible to erect the foundation for the new Library. He stated that this was above and beyond what could be anticipated in terms of cost.

Mr. Klocko spoke concerning the additional cost of the soil remediation when contamination was found seeping onto the site from a remote location. He further noted that as a result of the de-watering, the PBC has allowed for an additional 23 days of work to complete the project. He said that these change orders would be paid for out of the project's contingency fund.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve change orders 1,2 6 3 and 7 to B&W Construction Company Inc. for a total of \$65,851.34 as broken down on the memorandum dated 3/21/12. The motion passed unanimously.

Motion by Sel. Hendon to approve the increased extension of time as proposed on the revised memorandum dated 3/21/12 to B&W Construction Company to increase their contract time by 23 calendar days. The motion passed unanimously.

Mr. Don Petitis of Acorn Street stated that he doesn't believe that nobody knew that there was a water problem or contamination on that site. Sel. Vecchi explained that Town Counsel advised the Town that we were liable for most of the cost of the de-watering because it was so far beyond what could be reasonably expected. He further spoke about the contamination being pulled in from offsite.

Mr. Klocko spoke about Change Order #4, \$15,450, for AMEC to do the groundwater testing, drilling, etc.

Motion by Sel. Hendon, seconded by Sel. Vecchi, that we approve change order #4 for the Millis Library project in the amount of \$15,540 to AMEC for drilling and testing dated 3/16/12; the new contract price will be 49,983; there will be no increase or decrease in calendar days. The motion passed unanimously.

CEMETERY IMPROVEMENTS: Mr. Wayne Simpson of the Cemetery Review Committee spoke concerning improvements to the Medway side of the Prospect Hill Cemetery. He referred to a handout and noted that there have been problems with cars driving over lots that are for sale. He proposed to the Board that three temporary barricades be put up to attempt to remedy this problem when entering the cemetery from Veterans Way. He also proposed removing a tree and stump at the edge of Section G. He noted that making this area a one-way direction could work out very well in terms of traffic flow. He stated that section D will still be two-way traffic while Section E&G will be one-way traffic.

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Motion by Sel. Hendon, seconded by Sel. Vecchi, that we approve three temporary barriers to be placed at the Prospect Hill Cemetery in Millis as designed by Wayne Simpson with the coordination of the DPW. The motion passed unanimously.

SCHOOL AUDIT: Mr. Scott McIntyre from Melanson and Heath spoke concerning the end of year School audit. He called attention to page 8 noting an internal control problem/significant deficiency found while auditing the Special Education funds. He stated that there were a significant number of journal entries, some without an explanation as to the reason behind the entry. He reminded the Board that the Town's books and the School's books are kept separately. He stated that the School is not keeping an accurate journal and corrective action should be taken.

Mr. McIntyre went on to review the agreed upon procedures report. He noted that many of the issues noted may have been reclassified to the wrong line and that the findings of this audit begin on page three of the report. He discussed the impact of these reclassifications which could result in overstatement or understatement of revenues and expenditures.

Mr. McIntyre reviewed the Schedule of Findings which include that the schools lack an activity fund policy and procedure manual. He also noted that the schools should improve controls over disbursements and receipts, reconcile account balances, improve segregation of duties and review appropriateness of student account activity accounts. Sel. Wagner clarified that this audit was for the fiscal year ending 6/30/11. She further stated that the audit has been concluded and that this portion was for the School Department only.

Mr. McIntyre spoke concerning where the audit reports are sent, clarifying that they go to the Federal Audit Clearing House and then the Department of Education or, in some cases, the report stays in Millis or goes to DESE. Ms. Wagner pointed out that no one from the School Department or School Committee was in the audience this evening. Mr. McIntyre noted that the responses contained within the audit came from the School Department. Finance Director Kathy LaPlant informed the Board that, by statute, she is not actively involved in this audit.

Sel. Wagner discussed further clarification with Mr. McIntyre on the term "significant deficiency". He noted that the issues noted are fixable so that there is an appropriate audit trail on the journal entry portion of the financial management of the School Department. Sel. Wagner noted that she would like to have further discussion at a future meeting on this topic with the School Department/School Committee. Mr. McIntyre reiterated that corrective action is necessary. He stated when issues are identified and action is put into play that does not cure the problem: the risk still exists. He said that if you don't implement proper internal controls, you continue to accept that level of risk. He stated that right now, the School is showing an appetite for that risk.

Sel. Hendon asked for a reasonable timeframe to correct the significant deficiencies. Mr. McIntyre stated that a general journal can be implemented almost instantly which won't correct the first half of the year but will correct things going forward. He noted that immediate action will mitigate the risk even if the significant deficiency existed for the first half of this fiscal year. Sel. Hendon asked for advice on how to monitor these problems going forward since the School Department functions independently from the Town. Mr. McIntyre stated that these issues will be reviewed and potentially reported again, if necessary, during the next fiscal year's audit.

Sel. Vecchi asked what penalties might exist if these issues are not addressed. Mr. McIntyre indicated that he was not sure but in other situations he has seen grant monies be reallocated to other towns. He reiterated that the Town is carrying extra risk which should be remediated by implementing additional internal controls. Sel. Vecchi clarified that the audit did not find any money missing.

The School Committee will be invited to come to the Board meeting on 4/23 to further discuss these concerns.

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Chairman of the Finance Committee Chris Smith asked whether or not these types of issues are prevalent in other communities and do comments like this impact future grant awards on the School or Town side. Mr. McIntyre stated that the internal control finding/significant deficiency is more unique than some of the other findings that he spoke about. He further noted that the issues with the federal grants is also fairly unique and not reported on all that often. He stated that these findings should not, at this point, impact the Town's ability to secure grants but that this could change if the findings continue on for a number of years.

DPW BUDGET: Mr. McKay reviewed the budget presentation book which he distributed starting with the salaries of all employees in the DPW. He also highlighted what the annual Standby pay would be for FY13 which is \$14,676.49. He stated that the union position salary increases total \$43,671.80. Mr. McKay went on to review the highlights of the Water Department over the current fiscal year. He reviewed the Form 1 & 4 for the DPW Water Department. He stated that he is requesting to purchase a new van for meter reading, water main breaks, etc. He stated that right now, they are using a 2005 police cruiser.

Mr. McKay reviewed the history of the Transfer Station and noted that the sale of bags are way up. He reviewed the Form 1 for the Sewer Department. Mr. Aspinwall stated that the increase slated for our capital assessment for FY13 will be delayed a year. Mr. McKay went back to discuss the Transfer Station budget and noted that they were able to reduce the overtime by approximately \$4,000. He stated that he would like to purchase two new recyclable containers for the Transfer Station and take the two at the Station and bring them to the two schools. Mr. McKay informed the board that these containers cost approximately \$5,600 each and they are the only capital request for this budget.

Mr. McKay moved on to discuss the Highway Department's Form 1. The Board discussed the Supplies and Expenses line item which was increased in FY12 due to the reimbursement of expenses from Hurricane Irene. They discussed the decrease in the Gasoline/Oil expense line item and the bid with the Norfolk County Consortium. Mr. McKay stated that the only capital request he is making is for a trailer to be able to transport their bobcat and other small equipment. He then went on to review his Form 8 requests for service restoration which include a full-time HEO/Laborer and park expenses. He noted that he and Mr. Aspinwall have since decided on reinstating two full-time summer helpers. He also spoke about the ventilation problem at the DPW garage. He stated that they would like to get an a/c and heating unit to take care of the building and the interior offices that do not have central air and, in some cases, heat as the electrical panel is maxed out. Mr. McKay stated that the front of the salt shed is also falling apart.

Mr. McKay finished by reviewing the Street Lighting budget. He noted that with the savings seen he would like to replace the interior of the ornamental lights with LED lighting. He closed by reviewing a series of pictures of the DPW's equipment noting that the next item which will need to be replaced will be the street sweeper.

TOWN BANDSTAND: Mr. Aspinwall informed the Board that the cost to board up the bandstand is \$2,500. He noted that he and Mr. McKay inspected the bandstand today and noted the additional hazards and repairs that were discovered.

Nathan Maltinsky of the Historical Commission informed the Board that there has been a lot of interest/support in keeping the bandstand, both in and outside the Town. He stated that it appears they could raise the funds and gain the manpower to restore it. He offered to help board the structure up. He informed the board that the commission had a meeting at the bandstand and gave the website where individuals can donate their time or express their interest in this project. Sel. Hendon asked if the Commission had discussed relocating the structure. Mr. Maltinsky stated that they would have to find an appropriate location first and then solidify a cost to move it. He noted that there is a lot of interest in this. He stated that they would have to have a major fundraiser to do this as the cost would probably be around \$15,000. He asked for more time to discuss the issue. Sel. Vecchi suggested involving the organizers of Millis Beautification Day to assist in boarding up the structure.

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Chris Smith from the Finance Committee spoke to the issues of vandalism of the structure which will secure the bandstand and the potential to ask for a Reserve Fund Transfer to pay for it. Meg Wilkes from the Historical Commission questioned whether or not an actual engineering survey was done to determine the dangerousness of the structure. Sel. Wagner clarified that the structure was deemed a hazard by a Loss Control Manager/Certified Playground Inspector from the Town's insurer, MIIA.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the funding of the Town Bandstand to board it up with funds not to exceed \$2,500 with coordination from the DPW. The motion passed unanimously.

TOWN ADMINISTRATOR'S SALARY: Ms. Wagner recounted the conversation that took place at the last BOS meeting and noted that any feedback she received was positive. She stated that there is a difference of about \$14,000 and that this would be budgeted for FY13. Finance Committee Chair Chris Smith stated that the committee would like to see the bottom line budget and that this would be voted on by Town Meeting. He noted that the Finance Committee and the Town Administrator would get together and review all changes and recommendations line by line. He asked for the Department to submit an updated budget to the Finance Committee.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to increase the Board of Selectmen's budget by \$13,795.00. The motion passed unanimously.

SNOW AND ICE STIPEND: Mr. Aspinwall reviewed the history of the proposed retroactive stipend by noting that it was discussed at the November ATM but a vote did not make it to Town Meeting floor. Sel. Vecchi noted that this stipend is now in place. Sel. Wagner clarified what the stipend is, what position it was allocated to, and the timeframe during which the discussion of enacting the stipend actually started. She stated that the question of when to make it retroactive to is the 2010-2011 winter. Sel. Hendon clarified that it is based on the number of storms and the 2010-2011 season would have capped out at \$3,000 or 12 storms. Sel. Vecchi stated that he has not changed his position. Mr. Smith questioned whether or not a retroactive stipend can procedurally be an unpaid bill. Mr. Aspinwall stated that it has been done in the past. Mr. Aspinwall offered to speak with Town Counsel prior to the next BOS meeting to find out procedurally how to handle this expense.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to put on the May Town Meeting Warrant the retroactive stipend of \$3,000 for FY2011 for snow and ice. The motion passed unanimously.

HEO/LABORER ADVERTISING:

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the waiver of the advertising requirement for the DPW HEO/Laborer position. The motion passed unanimously.

APPLICATION FOR ABATEMENT: Mr. Aspinwall explained the request and recommended that the Board not grant the abatement as the turn on/turn off charge is a policy that has been in place for some time.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to not grant the abatement for Mr. Thomas Downs of 178 Pleasant Street of Millis, MA. The motion passed unanimously.

COMMUNITY RESPONSE COORDINATOR: Mr. Aspinwall reviewed the purpose of the request.

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve Mr. David Byrne as the Community Response Coordinator for the Town of Millis. The motion passed unanimously.

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PARADE REQUEST:

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the issuance of a permit to Millis Baseball and Softball for an annual parade at 9 a.m. on Saturday, April 21, the parade would start in the back parking lot of the Clyde Brown School and proceed down Spring Street, making a right onto Main Street, turning right onto Plain Street and finally turning right onto Monroe Street, coordinated with the Fire Department, Police Department and the DPW. The motion passed unanimously.

ATM WARRANT REVIEW: Mr. Aspinwall noted Article 17 and informed the Board that DOR would not allow this mechanism unless the project had been previously bonded. He stated that the article would be dismissed at Town Meeting.

ONE-DAY ALCOHOL PERMIT:

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the one day alcohol permit for the Millis Lions Club located at 298 Exchange Street for a fund raising event/trivia night for the sale of wine and malt beverages on 4/19/12 from 6:30-10:30 p.m. with clarification as to where the event is going to be held. The motion passed unanimously.

APPOINTMENT OF A DEPT. ASST. I:

Motion by Sel. Hendon, to waive the advertising requirements. The motion passed unanimously.

Motion by Sel. Hendon, seconded to approve the TA's appointment of Michelle Provencal-Jones as a Department Assistant I in the Building Department for 5 hours per week subject to a CORI and a physical. The motion passed unanimously.

APPROVAL OF MEETING MINUTES:

Motion by Sel. Hendon, seconded by Sel. Vecchi, to approve the regular and executive session meeting minutes from the 3/19/12 BOS meetings. The motion passed unanimously.

EXECUTIVE SESSION: At 10:40 p.m.,

Motion to enter into executive session to conduct strategy sessions in preparation for negotiations with nonunion and union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion and union personnel. By Roll Call Vote: Wagner – aye, Hendon – aye, Vecchi – aye.

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant