

**BOARD OF SELECTMEN**  
**REGULAR SESSION MEETING MINUTES**  
**May 21, 2012**  
**Veterans Memorial Building Room 229**  
**900 Main Street, Millis, MA 02054**

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

**ANNOUNCEMENTS:** Memorial Day celebration; Millis Mother of the year; ZBA resignation and vacancy.

**MILLIS PLAYGROUND COMMITTEE:** Jim McKay from the Millis DPW recalled a meeting that he and the Recreation Director had with a group of concerned citizens/parents regarding the Town playground. He noted that there are problems with the trees in the area due to their roots being exposed and not allowing for proper drainage. He stated that to remove the designated trees would cost approximately \$3,280/day plus \$840/day for stump grinding. He further informed the board that funds are available in the tree budget.

Mr. McKay went on to describe an inspection of the playground equipment conducted by the Town's insurance company. He said that in addition to removing the trees and regarding the dirt, new mulch would need to be spread.

A representative from the playground committee pointed out that they have a lot of support in the community including representatives from the school department. She reviewed the pictures that were included as part of the Board's packet to illustrate the problems with the existing trees and explained the rationale that was used in determining which trees to remove. Sel. Hendon asked for clarification on whether or not more trees need to be removed. Sel. Wagner asked whether or not there has been any opposition to this effort.

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that we authorize the DPW under the direction of Mr. Aspinwall remove these 13 trees and do the work that needs to be done to make the playground safe as outlined tonight. The motion passed unanimously.**

**CHAPTER 90 ALLOCATION:** Mr. Aspinwall stated that Town Meeting approved funds for road paving and stated that the Board needs to consider what streets need to be paved. He reviewed the quote from Murray Paving which gave prices for select streets in Town. He recommended that the Board pave Daniels Street and Pleasant Street and noted where the funds would be coming from, including contingencies. He further stated that this would not include any crack sealing so the potential \$24,000 remaining and how to spend it would be discussed at a future meeting. Sel. Hendon asked for clarification on how Mr. Aspinwall arrives at his recommendations on which streets should be paved.

Mrs. McColl from Exchange Street spoke concerning the condition of her home and cracks in the walls which she feels is due to the tractor trailers going down Exchange Street over a rough area of road in front of her house. She illustrated her home by presenting the Board with photographs showing cracks that are appearing in the walls which she states are due to road vibrations. Mr. McKay stated that this road has been shimmed within the last few years and they will schedule it to be done again this summer. Mrs. McColl stated that the last time the road was shimmed, it did help, temporarily, with the vibrations.

Mr. Griffin from Ross Ave. spoke concerning whether or not his road would ever be paved and the process by which the roads to be paved are selected. He pointed out that his road is a town-owned road. Mr. Aspinwall stated on the inventory of roads that is reviewed, roads such as Ross Ave. are not rated the same as the paved roads: they are listed as gravel roads and as such are maintained by the Town. Sel. Hendon stated that the decisions on which roads to pave are all about what funds are available and where the need is. Sel. Wagner pointed out that the override last year would have been included an allocation for additional road maintenance. Mr. Aspinwall pointed out that the amount of Chapter 90 funds has been reduced the last several years and that the Town has fallen behind on its road paving program as a result of a lack of sufficient funding.

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES**

**May 21, 2012**

**Veterans Memorial Building Room 229  
900 Main Street, Millis, MA 02054**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that we use Chapter 90, snow and ice, local funds, Daniels Street/Tuckerdale Fund, and Sidewalk funds to pave Daniels Street and Pleasant Street as outlined. The motion passed unanimously.**

**FIRE CHIEF RECRUITMENT:** Mr. Aspinwall updated the Board as to the schedule and 5 members of the committee. He noted that the first committee meeting is on Wednesday. Sel. Hendon asked Mr. Aspinwall if the process would be complete within 60 days and Mr. Aspinwall projected that it would be.

**FARM/ACORN STREET:** Mr. Aspinwall reviewed the list of tax title properties and noted that the largest total owed belongs to Highland Ridge Corp. in the amount of \$59,381.64 which is the Farm/Acorn Street property once scheduled to be developed into a subdivision. He discussed his history with the parcel and discussions he has had with the land owner stating there was opposition in the neighborhood to make this parcel into a subdivision. He reminded the Board that it was brought to Town Meeting to extend the sewer line and the vote did not pass and, therefore, the subdivision was never built and the plan was withdrawn sometime during 2006.

Mr. Aspinwall stated that the property owner told him that he felt he had been treated inequitably by the Town because he was overbilled on taxes. He has now come forward seeking some form of an abatement on his overdue taxes. Mr. Aspinwall stated that he has not paid taxes on this property since FY94. He further stated that the property owner never filed an abatement request at the time that he felt his property was being unfairly taxed. Mr. Aspinwall stated that he informed the property owner that he would bring this matter to the Board to ask them how they wish to proceed. He said that should the Board wish to explore the abatement option, his first step would be to approach DOR. Mr. Aspinwall stated that all Town departments handled this matter appropriately.

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to consider whether the board ought to consider a further abatement. The motion failed (1-2-0) with Sel. Vecchi voting in the affirmative.**

**ONE-DAY ALCOHOL PERMIT REQUESTS:**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to issue Millis AM Vets Post 495 four alcohol permits each running from 8 a.m. – 8 p.m. for a cookout on May 28<sup>th</sup>, a chicken bake on July 4<sup>th</sup>, a barbecue on September 3<sup>rd</sup> and a cookout on October 15<sup>th</sup> with a rain date of October 22<sup>nd</sup>. The motion passed unanimously.**

**LIP SALE:** Mr. Aspinwall reviewed the request from 26 Heritage Path and noted that the next step would be for DCHD to choose whether or not to exercise their right of first refusal. He went on to review the sale process from that point forward.

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that the Town of Millis does not exercise its right of first refusal at a property located at 26 Heritage Path owned by Steven and Lisa Collari. The motion passed unanimously.**

**FOREST ROAD CONTRACT AMENDMENT:**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to enter into a contract with GCG Associates for the water main work on Forest Road improvements with the following: data collection and survey – \$2,310; design - \$8,800; contract documents/bidding - \$4,855; construction administration - \$2,415 and construction observation - \$27,200 for a total of \$45,580. The motion passed unanimously.**

**CONTRACT AWARD WELLS 3&4:** Mr. Aspinwall reviewed the bidding process and the low bidder.

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
May 21, 2012  
Veterans Memorial Building Room 229  
900 Main Street, Millis, MA 02054**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to award the contract to Barbato Construction Company in the amount of \$213,034. The motion passed unanimously.**

**VACATION TIME CARRYOVER:** Mr. Aspinwall reviewed the history of Sgt. Myers request and what is typically allowed in terms of vacation time carryover. He noted that the Board is being asked to re-vote their intention with Sgt. Myers vacation time carryover request as the earlier motion was not clear enough for interpretation by the Accounting Department.

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to rescind our vote of 1/23/12 on the vacation carryover item for Sgt. Myers. The motion passed unanimously.**

**Motion by Sel. Wagner, seconded by Sel. Vecchi, to approve a vacation time carry over request by Sgt. Linda Myers to carry over two weeks of vacation time from 2/10/12-6/30/12 and to approve a vacation time carry over request by Sgt. Linda Myers to carry over two weeks of vacation time from 2/10/12-2/10/13. The motion passed unanimously.**

**COMMITMENT:**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, that we commit to the collector water and sewer department bills in the total amount of \$413,217.60. The motion passed unanimously.**

**RIDGE ST. CULVERT CONTRACT:**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve change order #1 for the ridge street culvert replacement project contract for RA Hammond Construction Company in the amount of \$17,508.35. The motion passed unanimously.**

**POTENTIAL DOG HEARING:** Mr. Aspinwall reviewed the history of the dog known as "Colin" and the Board's previous order to have the dog muzzled at all times outside the house. He noted that Colin allegedly bit another dog in a neighboring community (Sherborn). He read from the opinion of Town Counsel who stated that though the Board cannot find the owner in violation of their previous restraining/muzzle order, they can hold a new hearing to determine the disposition of the dog. Sel. Wagner stated that there is no additional information to go forward with a hearing if the person whose dog was bitten is not willing to testify. By consensus, the Board agreed not to hold a hearing.

**MEETING MINUTES:**

**Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve the regular session meeting minutes from 5/14/12. The motion passed unanimously.**

**EXECUTIVE SESSION:** At 9:12 p.m.,

**Motion by Sel. Vecchi to enter into executive session to conduct strategy sessions in preparation for non-union personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. The motion passed unanimously by roll call vote.**

**BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
May 21, 2012  
Veterans Memorial Building Room 229  
900 Main Street, Millis, MA 02054**

*Respectfully Submitted,*

---

*Jennifer G. Cederberg, Administrative Assistant*