

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
July 23, 2012
Veterans Memorial Building Room 229
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Chair Donald Hendon called the meeting to order at 7:35 p.m. The following persons were present: Chair Donald Hendon, Vice Chair Charles Vecchi, Town Administrator Charles Aspinwall and Administrative Assistant Jennifer Cederberg.

ANNOUNCEMENTS: Retirement of Barry Gallagher.

ZONING BYLAWS: Mr. Robert Pettis of 123 Acorn Street addressed the Board. He asked if the Town has zoning bylaws and who enforces them. He then asked who has the authority over particular boards, positions and departments. Sel. Hendon asked him to get to the point. Mr. Pettis asked why the zoning bylaws of the Town are not being enforced. He stated that he gave the Town Administrator a list of over 100 zoning violations in Town and nothing was done about it. He further informed the Board that zoning violators are not being honest with the Town when they are investigated. Building Commissioner Mike Giampietro stated that Mr. Pettis has filled out complaint forms in the past and those issues were investigated and findings were found. He noted that none of these findings have been appealed. He reviewed the process of filing and handling complaints related to the Town's zoning bylaws. Mr. Pettis was encouraged to fill out the appropriate paperwork to have an alleged zoning violation investigated.

STORMWATER HEARING: Sel. Vecchi read the hearing notice for Radio Frequency Co., 150 Dover Road, scheduled for this evening at 7:30 p.m.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to open the hearing on the Stormwater Permit for Radio Frequency. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to continue the hearing on the Stormwater Permit until August 6th at 7:30 p.m. The motion passed unanimously.

STORM DRAIN CONNECTION PERMIT HEARING: Mr. Aspinwall reviewed the history of St. Paul's Church and its relationship to the Town's drainage system. He spoke concerning the fact that the new owners of this property went ahead and tied into the municipal storm drain without proper permitting. He stated that he is not concerned about the amount of water being discharged from the property, but that the proper permit needs to be in place. He informed the Board that the owner's engineer provided a letter stating that the project's drainage would have no negative effect on the system or the street. He recommended that the Board waive the requirement for a hearing and issue the permit.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to waive the requirement for a hearing on the drain connection and we approve the application providing that an as-built plan is submitted to the Town and no expansions will be permitted without reapplication. The motion passed unanimously.

MANDATORY WATERING BAN: Jim McKay of the DPW addressed the Board. He asked the Board to institute an "odd/even" ban as well as no hand held or any other watering between 9 a.m. – 5 p.m. He noted that this ban would be in effect until September 15th.

Motion by Sel. Vecchi, seconded by Sel. Hendon, to approve an outside mandatory watering ban which includes no watering between the hours of 9 a.m. – 5 p.m. and that it be held on an odd/even basis corresponding to date and the house number; the penalties for violation of the policy are \$50 for the first offense and subsequent offenses will result in a fine of \$100 per offense. The motion passed unanimously.

YARD SALE PERMITS: Mr. Aspinwall explained the process in place for the issuance of yard sale permits. He also read the Police Bylaws relating to the posting of signs. Mr. Norman Bloom spoke concerning limiting the amount of signs allowed and stated that he contacted 5 surrounding towns, none of which charge a permit fee for a resident to

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hold a yard sale. He noted instances of multiple signs being placed on telephone poles for town-sponsored events, real estate, non-profit organizations, etc. Mr. Aspinwall stated that it is up to the Board to decide how many signs and the size of the signs that people are allowed to use to advertise their yard sales. He asked the Building Inspector to address the issue of how many yard sales a private home owner can hold within a residential district in the course of a year without it crossing the line and becoming a home-operated business. Mr. Hendon stated that the concerns would be taken under advisement and discussed further.

FY13 WATER & SEWER RATES: Mr. Aspinwall recapped the conversation that took place at the last meeting concerning how much the water rates and sewer rates should increase due to the increase of indirect costs. He recalled the discussion on the Fire Service and whether or not there should be a fee and how that fee should be structured. He stated that the rates need to be set this evening in order for the bills to be mailed out on time. He recommended an increase in water of 2.5% and 5% in sewer, creating a third tier of consumption. He further recommended keeping the capital assessment methodology that is currently in place and discussed options for billing for a fire service line.

Mr. Cantoreggi recommended going with option 3 for the fire service charge because the money stays in the system for infrastructure and upgrades. He stated it is nominal money for the effected businesses. Mr. McKay stated that the charges are for future expansion and that these charges should be spread out to everyone. Ms. Wagner asked if the Capital Assessment charge is the same for everyone and not related to the size of the service. Mr. Aspinwall stated that it is.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to set the 2013 water rates with an increase of 2.5%, making the quarterly rates for a 5/8 meter – 16.62/quarter; 22.02 for a ¾ meter; 35.23 for a 1 inch meter; 64.60 for a 1 ½ inch meter; 102.77 for a 2 inch meter; 152.68 for a 3 inch meter; 202.59 for a 4 inch meter; and 269.66 for a 6 inch meter and the use rates quarterly will be 2.61 for 1-25,000 gallons; 4.15 for 25,001-50,000 gallons; and 6.64 for 50,001+ gallons. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we raise the base rate 5% to 36.40 per quarter and raise the use rate from 1-25,000 gallons from 5.17 to 5.43; 25,001-50,000 raise the rate from 7.43 to 7.80; for 50,001+ gallons set a third tier at 10.52/gallon. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to set the capital assessment rate at 26.77 per quarter. The motion passed unanimously.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to adopt option 3 for the fire service charge, a full charge based on service size and capital assessment. The motion failed (1-2-0) with Sel. Wagner and Hendon voting in the negative.

Motion by Sel. Wagner, seconded by Sel. Vecchi, that we do institute a service for those accounts who have a fire line option 2, the minimum charge based on a 5/8 meter plus a capital assessment for all fire lines in the Town of Millis. The motion passed unanimously.

FOREST ROAD SIGNAGE: Mr. Aspinwall stated that he asked Chief Edison to review the signage on Forest Road. He began with recommendations for properly setting the speed limit on Forest Road in conjunction with Mass DOT. He noted that Chevron signs be placed in two locations, once construction is complete, near Forest/Birch and Route 117/Forest. He stated that the process to set these signs would require that the BOS hold a public hearing. Mr. Aspinwall stated that the Chief also recommended re-grading in certain areas which has been discussed in the past and not found to be favorable among the residents.

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CONTRACT AWARD:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to enter into an agreement with Casella Recycling LLC for the following items: corrugated cardboard, newspaper, and mixed office paper, estimated at 202 tons – \$45/ton; comingled \$15/ton tip fee; scrap metal receiving \$50/gross ton for a three year contract. The motion passed unanimously.

1-DAY ENTERTAINMENT PERMIT:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant an entertainment permit to the Library for a party to celebrate the end of the summer reading program to take place on 8/14/12 from 4-6 pm on the Library grounds for a DJ, games, cake and pizza, to coordinate with the Board of Health. The motion passed unanimously.

1-DAY ENTERTAINMENT PERMIT:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to issue a one-day entertainment license to the Boggestowe Fish and Game Club for a live music on 9/15/12 with the same hours as previously issued on the alcohol license for that date. The motion passed unanimously.

RACE AT CLYDE BROWN: Mr. Cantoreggi read the request letter from Sacha Loer and Stacey Miller.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to give permission to the Clyde Brown Elementary School permission to hold a 5K race on 9/23/12 commencing at 9:30 a.m. in coordination with the Millis PD. The motion passed unanimously.

COMMITMENT TO COLLECTOR:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to commit to the Collector final water bills and special commitments in the amount of 1,044.30. The motion passed unanimously.

APPOINTMENT:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve the Town Administrator's appointment of Allison Burruss of 10 Bogastow Circle in Millis, MA, as a Department Assistant II in the Treasurer's Office subject to a CORI and physical to start on August 6th. The motion passed unanimously.

COMMON VICTUALLER'S LICENSE:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to issue a Common Victualler's License to Elmer Chacon at the Jalapeno Mexican Grill at 929 Main Street in Millis, MA. The motion passed unanimously.

SIGNAGE REQUEST:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant the Church of Christ permission to put up signs at Oak Grove Farm subject to permission from the Oak Grove Farm Commission, the Library, Middlesex/Orchard Street intersection, Exchange Street/Rt. 115, to post the signs the week ahead, 9/7-9/15 at 5 p.m. to state Family Fun Fair, Games Food Raffles Yard Sale; Saturday September 15; 10 a.m.

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– 4 p.m.; Rt. 115/Exchange St intersection (Church of Christ across from Tedeschi's). The motion passed unanimously.

LIBRARY APPOINTMENT: Sel. Vecchi recused himself. Mr. Aspinwall noted that there is a need in the Library for a part-time temporary position in the Library.

Motion by Sel. Wagner, seconded by Sel. Hendon, to approve the Town Administrator's appointment of Betsy Vecchi to the position of temporary part-time Library Assistant and designate that position as a Special Municipal Employee effective immediately. The motion passed unanimously with Sel. Vecchi abstaining.

MEETING MINUTES:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve the regular session meeting minutes from 7/2/12 and 7/12/12. The motion passed unanimously.

ADJOURN: At 9:30 p.m.,

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

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant