

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
November 5, 2012
Millis Middle/High School Library
245 Plain Street, Millis, MA 02054**

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

ABATEMENT REQUESTS: Attorney Ellen Rosenfeld appeared before the Board and recalled the last time the Board met and halted the fire service line bills for a couple of billing quarters. She stated that she has started receiving bills again and it is her understanding that all commercial accounts are now being billed. She pointed out that even when a fire line is not metered, the line is still being billed simply for its existence. She noted that she is getting meter charges even on lines that are not metered. Att. Rosenfeld reviewed a recent bill that she received where she was charged for a zero reading on the meter. She also pointed out that she was charged a cross connection fee of \$50.

Mr. Aspinwall reviewed the history of suspension of the fire line service charge for two quarters. He then recalled the public hearing that was held to review this charge and informed the Board that at that time, the Board decided that the charge was valid and so it was reinstated. He concluded that the fire line service charge is an appropriate charge for commercial accounts as a general user would not have the need for such a large service/pipe. He said that the cross connection fees have been in place since the 1990s and that Ms. Rosenfeld's service has such a connection. He further stated that the charge is a fire service line charge and that charge does not change whether or not there is a meter present. Mr. Aspinwall went on to explain what the capital assessment charge is.

Att. Rosenfeld asked what benefit she was receiving in paying these charges. Att. Reich noted that she is paying for the ability to properly protect her building with an appropriate sprinkler system. Att. Rosenfeld stated that water bills are generally based on usage. Mr. Aspinwall stated that this is not true and that there are minimum rates based on a number of factors. Att. Reich explained that the bill is due to the availability of the system for commercial usage. He stated that the service is available to be able to feed the sprinkler system and that the Town is providing this stand-by service which has nothing to do with usage. Att. Rosenfeld referred to the charges on her bill as Administrative Charges. Mr. Aspinwall stated that the last time the analysis was done on expenses per 6 inch line, the actual cost was approximately \$300 but the Board chose to go with a lower fee during the public hearing process.

Mr. Aspinwall reminded the Board that the fire service line charge is now being uniformly applied which was the applicant's complaint that led to the suspension of fire service line charges for two quarters. He further stated that the applicant only came to one of the two public hearings that the Board held to discuss this issue. Mr. McKay addressed the issue of cross-connection devices and stated that they have to be tested twice per year and it is to the applicant's benefit. He noted that this is a DEP requirement. Mr. Cantoreggi, DPW Director from the Town of Franklin, stated that Franklin charges \$105/test and that one of the two required tests can be done by a DEP certified tester at the expense of the property owner. Mr. Aspinwall will look into finding out whether or not this can be accomplished.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to deny the abatement requests from Ellen Rosenfeld for properties at Millston Common: 2, 4, 6, Millston Road and 730 Main Street. The motion passed unanimously.

Mr. Cantoreggi introduced the visiting professionals from Pakistan to the Board.

BUDDY BOWL: Mr. Chip Fagan reviewed what the Buddy Bowl is and noted that it started on the west coast back in the 1970's. He stated that the charity supports the Challenged Athletes Foundation for members of the military who are returning to this country with physical, life-altering injuries. He said this is football for charity involving teams from Millis and multiple towns and children from the flag football program. He noted that ReMax has offered the use of their hot air balloon which is a tethered balloon to bring participants up and down off of the ground.

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Mr. Aspinwall stated that there are requirements that need to be met if the balloon is to be present, particularly liability certificates and waivers of liability. Fire Chief Rick Barrett stated that the biggest concern of the Fire Department is the amount of propane onsite and that the FAA does not give clear direction on regulating hot air balloon rides. Mr. McKay stated there would be no problem with allowing the balloon to take off from the Town Park. Chief Barrett recalled the requirements of where the balloon would need to be placed, noting that it has to be in an area where there is 200 ft. around the balloon on each side. Mr. Hendon asked if the Board was meeting again before the event. Mr. Aspinwall stated they would not. Mr. Hendon stated that while he is comfortable moving forward with the football approval, he would not grant the permission for the balloon tonight as there are a lot of unanswered questions. He asked Mr. Fagan to work with Mr. Aspinwall to determine if the balloon will be present and what liability information must be obtained in order to provide hot air balloon rides.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant a permit to hold a charity football tournament known as Buddy Bowl on 11/17/12 from 7 a.m. – 4:00 p.m. and this permit will be issued to Millis Flag Football. The motion passed unanimously.

BOND DOCUMENTS:

Motion by Sel. Vecchi, seconded by Sel. Wagner, that we authorize and direct the Town Treasurer to borrow \$682,000 at a rate of .55% per annum for the Forest Road project. The motion passed unanimously.

CROSSING GUARD: Chief Edison reviewed the recruitment process.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to approve the Town Administrator's appointment of Sherry Macguire of Baltimore Street as a Crossing Guard contingent upon passing the physical and CORI. The motion passed unanimously.

OAK GROVE FARMHOUSE:

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant a contract to Distinctive and Historic painting of Millis MA in the amount of \$12,600 for painting of the Oak Grove Farm House. The motion passed unanimously.

TOWN FIELDS COMMITTEE: Ms. Wagner stated that at the last meeting of the Town Fields Committee, Mr. MacInness of the Oak Grove Farm Commission requested to be a full voting member and now that puts the membership at 9 individuals with the potential appointee being the third person from the Recreation Committee. Mr. Aspinwall suggested that the potential appointee be appointed as an ex-officio member. Mr. Hendon suggested that someone speak with Ms. Mustard to see if she is interested in an ex-officio position and requested that Mr. MacInness write a letter of interest for consideration at the next BOS meeting.

POLICE VACATION TIME: Mr. Aspinwall reviewed the request for an individual on the Police force to use a prospective vacation day and stated that the Chief was going to review the issue with the union. Chief Edison stated that he did speak with the union and that they are in agreement that granting this request would not set precedence and that he has this in writing.

Motion by Sel. Vecchi, seconded by Sel. Wagner, to grant the prospective use of one vacation for Officer Shearns without prejudice which would be deducted from his granted vacation time at the next allocation of vacation time on his next anniversary date. The motion passed unanimously.

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MINUTES:

Motion by Sel. Wagner, seconded by Sel. Vecchi, to approve the regular session meeting minutes from 10/15/12 and 10/22/12. The motion passed with Sel. Hendon abstaining.

ADJOURN: At 9:45 p.m.,

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

Respectfully Submitted,

Jennifer G. Cederberg, Administrative Assistant