

BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 7, 2013
Veterans Memorial Building, Room 229
900 Main Street, Millis, MA 02054

CALL TO ORDER: Sel. Vecchi called the meeting to order at 7:30 p.m. The following persons were present: Chairman Charles Vecchi, Vice Chairman Andrea Wagner, Clerk Christopher Smith, Town Administrator Charles Aspinwall, Operations Director Jennifer Cederberg.

ACORN ST. SEWER PROPOSAL: Dan Merrikin presented a plan that shows the development land that he is working on plus the potential of purchasing some additional land. He asked the Board for their input in terms of acquiring the additional land. He spoke concerning how the additional land would positively effect the stormwater management on the site. He pointed out that this would be particularly favorable in the Acorn Street area.

Mr. Merrikin stated that the subdivision would gain another 11 lots by purchasing this parcel of land. He asked for the Board's pleasure so that he might move forward with the engineering portion of the design. Sel. Smith asked Mr. Merrikin if anything else in the project has changed since the last time he was in front of the Board. Mr. Merrikin said no, this would simply be an addition to the project. He reminded the Board of the regulation to direct stormwater back to the area in which it starts. He noted that it would improve the Town's drainage system in the Acorn Street area. Mr. Aspinwall noted that even with the addition of the 11 lots, the project would not exceed the sewer gallons that were allocated to the developer originally.

Dave Mullaley of Acorn Street stated he would be interested in connecting to sewer if available. Peter Harkey asked questions about the direction of the water flow in the area of his package store. Mr. Merrikin stated it will probably lessen the amount of water going through that area. Kaz Piorkowski asked for clarification on the route the water would follow.

Mr. Merrikin explained how the Dmytryck property ties in to this discussion noting that the property owner is willing to deed restrict the 21 acre parcel to 5 houses which would benefit the Town and require an additional 10,000 gallons of sewer. Mr. Harkey addressed the Board to reconsider the type of sewer system that will be installed and design a gravity-fed system vs. a pump station. Mr. Merrikin stated that the developer has already spent a significant amount of money designing the sewer system that the Board previously approved.

Attorney Rosenfeld spoke on behalf of the developer and stated that the matters being discussed have been previously heard and are no longer up for discussion.

Motion by Sel. Wagner, seconded by Sel. Smith, to allow for the additional sewer service on the 11 parcels identified on this 9/24/13 plan 31-33, 31-17, 31-61, 31-62, 31-63 and 31-64. The motion passed unanimously.

FARM/CEDAR ST SEWER: Mr. Aspinwall stated there was a question at the last meeting whether the Town would like to continue the sewer project down Farm and Cedar Streets. He noted that it would be a low pressure sewer system which would need to be approved at Town Meeting. Though the borrowing would be by the Town, 80% of the cost would be repaid over time by the property owners. He noted that there are 19 potential betterments to be assessed with one parcel having two potential betterments. He stated that the betterments would be just over \$16,000 per parcel. He further stated

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that there would be an additional hook-up fee of \$3,000. Mr. Aspinwall stated that the betterment can be paid back over 20 years with an interest rate of 5%.

Mr. Aspinwall stated that the betterment assessment would not be applied until the project is completely done. He said that he could work on coming up with a per foot cost for hookup. He reviewed the process of getting approval and how residents should communicate their preference. He stated that there is an article on the Nov. 4th Town Meeting warrant. A resident of Cedar Street stood to say that he is in favor of the project.

Scott Moles, Health Director, spoke concerning the Title 5 requirements. He noted from the time there is an approved septic plan, the property owner has two years to install it. He informed the Board that there is a property on Cedar St. whose septic failed. The Board stated that they are looking for some sort of consensus from the residents of the effected area. The residents were encouraged to come and vote at Town Meeting.

HISTORICAL PROPERTIES: Mr. Aspinwall reviewed some of the historic Town properties and who is responsible for maintaining these structures. He stated that a discussion needs to take place in terms of the structures, how they will be used, and who will be responsible for the maintenance. Sel. Vecchi asked to begin with the Ellice School. Meg Wilkes from the Historical Commission stated that the Ellice School is high on the Historical Commission's list to preserve. She stated that this would be a two-phase project which would include the request of CPC funds and grants from the MA Historical Society. Sel. Smith stated that a discussion needs to take place to put together a master plan for these properties and particularly, who will be responsible for maintaining them.

Marc Prufer reminded the Board what the purpose of the Historical Commission is relative to the law and that is preservation of both public and private historical structures. Sel. Smith stated he wants some idea of what these properties are going to be used for before money is allocated to restore/rehab them. Mr. Prufer stated that you can't identify what the maintenance costs will be before it is determined what a suitable use is. Sel. Smith suggested that a long-term master plan which encompasses all of the Town's historical buildings needs to be developed. Mr. Prufer went on to discuss what the plan is for Niagra Hall which includes a fire museum on the first floor and a meeting room on the second floor.

Motion by Sel. Smith, seconded by Sel. Wagner, to direct the Historical Commission to come up with a Master Plan first draft of all Town owned structures of historical significance and come up with recommendations for use of these Town-owned properties with a deadline of April. The motion passed unanimously.

Mr. Aspinwall stated that the Town will need to work closely with the Historical Commission to come up with ideas for uses for the buildings and this will lead to clarification on what, if any, maintenance costs will be and who will be responsible for them. Historical Commission Chair Nate Maltinsky touched upon the budget of the Historical Commission and what it is used for.

BOARD OF SELECTMEN
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POSTING TO THE WEBSITE: There was a brief discussion about what can be discussed in executive session. Sel. Smith stated that he would like to have further discussion on this topic after Town Meeting as he would like to direct the Town Administrator to have staff post minutes to the website.

PLANNING BOARD ARTICLE: Mr. Robert Cantoreggi of the Planning Board addressed the Planning Board article on regulating fowl and rabbits. He stated that he spent a lot of time researching how other communities deal with this issue. He then went on to read the purpose of the article. He stated that there are a lot of chickens being raised in the Town and this is just a vehicle to regulate them should they become a nuisance to neighbors. Mr. Moles brought up a request from the Board of Health to not allow roosters in Town. Mr. Cantoreggi suggested that this would be too restrictive.

Motion by Sel. Wagner, seconded by Sel. Smith, to add article 34 to the Town Meeting warrant concerning domesticated fowl and rabbits. The motion passed unanimously.

SCHOOL COMMITTEE ARTICLE: Mr. Aspinwall stated that both state aid and growth are permanent increases to our tax base. He reviewed the purpose for reserving funds to pay for wage increases.

Sel. Smith stated that we should not get in the habit of opening the budget every 6 months unless there is an emergency. He asked for clarification on what the need is to open the budget at this Town Meeting. Steve Catalano, School Committee Chair, stated that there is a need for these funds both in the present year and in future years, particularly for contractual reasons and mandated curriculum purchases.

Sel. Wagner asked for clarification on what happens to the additional revenue if we don't open the budget. Mr. Aspinwall stated that it can be put in the OPEB fund, Stabilization, purchase capital needs, lower the tax rate, etc. Sel. Smith expressed concerns about putting the funds in the School's operational budget right now. He stated that he is concerned about the transparency and that if there are curriculum needs that the school has, there should be a separate article requesting it. Mr. Catalano stated that there is a mandated need to purchase curriculum during this school year. Sel. Smith stated that he would support an article for the curriculum but if it is put into the operating budget, it can be used for anything. Mr. Catalano stated that the School would like it in their base budget because there are needs on the horizon that he is not able to discuss.

Sel. Wagner stated that she is initially against it because other departments were told this was not an appropriate time to submit articles to open the budget.

Motion by Sel. Wagner, seconded by Sel. Smith, to add article 35 to the Fall Annual Town Meeting. The motion failed with Sel. Vecchi voting aye.

TOWN FIELDS COMMITTEE:

Motion by Sel. Wagner, seconded by Sel. Smith, to appoint Doug Riley to the Town Fields Committee. The motion passed unanimously.

BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
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FEASIBILITY STUDY: Mr. Aspinwall reviewed the submitted petition article which calls for a complete renovation and rehabilitation of the Town's and School's athletic fields. He noted that the article does have to be placed on the warrant as it was submitted as a petition. He also stated that approval of the Legislature would be necessary as the article would cause the designated use of the land to be changed. Mr. Aspinwall stated that there are a number of concerns with the way the article is written and Town Counsel will offer an opinion.

Mr. Aspinwall stated that this is not how a project of this type is typically researched. He noted an article that he has placed on the Town Meeting warrant to request funding for the Town Fields Committee to conduct a use and future needs study of the Town fields.

Sel. Wagner pointed out that the Fields Committee has not yet reported back to the Selectmen. Sue Vara, Chair of the Town Fields Committee, stated that they are still in the information compiling stages of their discussions. She stated that when the study is complete, the Committee will come before the Selectmen and make a presentation.

CRW WHEELMEN:

Motion by Sel. Wagner, seconded by Sel. Smith, to grant permission to CRW Wheelman to use the parking lot behind the former Library on 10/19/13 from 9-2 for approximately 40 people. The motion passed unanimously.

OPEN AND CLOSE WARRANT:

Motion by Sel. Wagner, seconded by Sel. Smith, to open the warrant. The motion passed unanimously.

Motion by Sel. Wagner, seconded by Sel. Smith, to include article 33, to see if the Town will vote to appropriate and raise by taxation, by transfer from available funds or by borrowing under the provisions of MGL Chapter 44 or any other enabling legislation, a sum of money for an existing conditions, use, and future need study of town and school athletic fields, or act in any manner relating thereto, submitted by the Board of Selectmen. The motion passed unanimously.

Motion by Sel. Smith, seconded by Sel. Wagner, to recommend adding Article 26 as follows: To see if the Town will vote to authorize under MGL Chapter 44 Section 53 E1/2 the following revolving fund:"P. Millis Rabies Clinic/Program Revolving Fund, said fund future funded with the collection of vaccination fees collected at the annual Millis Rabies Clinic, donations or appropriations, under the authority of the Board of Health, where proceeds to be used for services associated with the Rabies Clinic, administering a Rabies Program or other rabies associated item; rabies vaccine, rabies needle disposal, or supplies with such expenditures not to exceed \$2,500; or act in any manner relating thereto." The motion passed unanimously.

BOARD OF SELECTMEN
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There was lengthy discussion concerning Article 21 with Sel. Wagner and Sel. Vecchi being in favor of leaving it on the warrant and Sel. Smith wanting to remove it.

Motion by Sel. Smith, seconded by Sel. Wagner, to remove Article 21 from the warrant. The motion failed with Sel. Smith voting aye.

Sel. Smith voiced concern that the way the articles are being voted on is not the proper way to handle it.

Mr. Aspinwall went through and explained all of the articles on the warrant.

Motion by Sel. Wagner, seconded by Sel. Smith, that we amend article 1 to indicate it was submitted by the Planning Board. The motion passed unanimously

Motion by Sel. Wagner, seconded by Sel. Smith, to close the warrant. The motion passed unanimously.

PB ARTICLES:

Motion by Sel. Wagner, seconded by Sel. Smith, to refer Articles 1 and 2 back to the Planning Board for a public hearing. The motion passed unanimously.

SIGN WARRANT:

Motion by Sel. Wagner, seconded by Sel. Smith, to sign the Warrant subject to the removal of Article 33 & 34 and the change to Article 1. The motion passed unanimously.

REGISTRAR APPT.:

Motion by Sel. Wagner, seconded by Sel. Smith, to appoint Leland G. Wood of Heritage Path to the Board of Registrars. The motion passed unanimously.

NOTE FOR WELLS 3&4:

Motion by Sel. Wagner, seconded by Sel. Smith, to execute a note in the amount of 28,500 for one year at an interest rate of 1% that will mature on 10/4/14. The motion passed unanimously.

DEPUTY WIRING INSPECTOR APPT.:

Motion by Sel. Wagner, seconded by Sel. Smith, to appoint Jeffrey Shea as a Deputy Wiring Inspector subject to a physical and a drug screen. The motion passed unanimously.

BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
October 7, 2013
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STREET OPENING APPLICATION:

Motion by Sel. Wagner, seconded by Sel. Smith, that we do grant a trench opening permit to Columbia Gas of Massachusetts for 90 Forest Road and that in the Spring of 2014 the trench be infrared cameraed. The motion passed unanimously.

APPROVAL OF MEETING MINUTES:

Motion by Sel. Wagner, seconded by Sel. Smith, to approve the regular session meeting minutes from 9/9/13, 9/18/13 and 9/23/13 and to approve the executive session meeting minutes from 9/9/13. The motion passed unanimously.

EXECUTIVE SESSION: At 11:50 p.m.,

Motion by Sel. Vecchi to enter into executive session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel and the Chair does so declare. By Roll Call Vote: Smith – aye, Wagner – aye, Vecchi – aye.

Respectfully Submitted,

Jennifer G. Cederberg, Operations Director