

**BOARD OF SELECTMEN
REGULAR SESSION MEETING MINUTES
Monday, January 25, 2016 7:00 PM
Veterans Memorial Bldg. Room 229
900 Main Street, Millis, MA 02054**

CALL TO ORDER

Sel. Smith called the meeting to order at 7:06 pm. The following persons were present: Chair Christopher Smith, Vice-Chair James Neville, Clerk James McCaffrey, Operations Support Manager Karen Bouret, and Town Administrator Charles Aspinwall.

OPEN SESSION

There were no items for open session

ANNOUNCEMENTS AND ACKNOWLEDGEMENTS

Mr. Aspinwall said the grant review committee for the Massachusetts Association of Health Boards (MAHB) with the Massachusetts Department of Public Health (MDPH) approved a grant amount of \$8,000.00 for the Mass in Motion Strategies in Communities without Mass in Motion. This grant has been awarded through collaboration between the Town and Metropolitan Area Planning Council (MAPC) to add a public health component to the Town's Housing Production Plan.

Sel. McCaffrey said he attended the Mass Municipal Association meeting recently, where the governor spoke about local aid and funding. Sel. McCaffrey said generally speaking, the governor said there is a proposed increase in local aid of about 4.3% on the table.

Sel. Smith said the Presidential Primary and then Town Election are both coming up. Sel. Smith said the Town Election is scheduled for May 2, 2016. He listed the following open positions:

- Moderator, 1 year term
- Selectmen, 3 year term,
- School Committee Member, 3 year term
- Board of Health Member, 3 year term
- Library Trustee – two openings, one year and 3 year terms
- Planning Board Member, 5 years
- Housing Authority, 5 years

Sel. Smith said nomination papers can be obtained at the Town Clerk's office through Thursday, March 10, 2016. The last day to submit papers is Monday, March 14, 2016. Sel. Smith encouraged people to volunteer to run for these very important Town positions. Sel. Smith also reminded everyone that the upcoming Presidential Primary election will be held on Tuesday, March 1st here at the Veterans Memorial Building with polls open from 7:00am-8:00pm.

PUBLIC HEARINGS/SCHEDULED APPOINTMENTS

16-019 Tractor Supply Company Stormwater Permit Hearing

Sel. Neville made a motion to open the Tractor Supply Stormwater Permit and Land Disturbance Permit hearing at 7:15pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

Michael Dryden of Bohler Engineering spoke on behalf of Tractor Supply regarding the application for a Stormwater Management Permit and Land Disturbance Permit at 1313-1319 Main Street. Mr. Dryden informed the board that two existing buildings on the site will be razed to accommodate the project.

Mr. Dryden said they will be looking for a variance from the Zoning Board to reduce the number of parking spaces required to a total of 76. Mr. Dryden said they have done a significant amount of research and determined that 76 spaces are more than adequate for the business. Mr. Dryden said the business is solely retail, there will be no small engine repair or other uses for the building.

Michael Carter of GCG Associates performed the peer review. Mr. Carter said there are a few concerns and comments but he has been in contact with Bohler Engineering who is working on solutions for all of them.

Matthew Darling, counsel for Tractor Supply, said the business is hoping to open late summer or early next fall. Mr. Dryden said they still need to meet with a few boards before they are officially ready for approval.

Sel. Neville made a motion to continue the Tractor Supply Company Stormwater Permit and Land Disturbance Permit hearing to Monday, 2/22/16 at 8:30pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

16-020 Lot 40 Beech Street Stormwater Permit Hearing

Sel. Neville made a motion to open the Lot 40 Beech Street Stormwater Permit and Land Disturbance Permit hearing at 7:15pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

Dan Merrikin of Merrikin Engineering spoke to the Board regarding the Stormwater Permit and Land Disturbance Permit application for Southend Farm Subdivision Lot 40 Beech Street. Mr. Merrikin said the proposed construction is for a single-family home. The applicant owns the adjacent property so there were no abutters to notify. A roof runoff system has been proposed, the same as the other lots in the development. GCG Associates did the peer review which states there are no comments; the plan meets the requirements of the bylaw.

Sel. Neville made a motion to close the Lot 40 Beech Street Stormwater Permit and Land Disturbance Permit hearing. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Neville made a motion to approve the Lot 40 Beech Street Stormwater Permit and Land Disturbance Permit hearing based on conditions 1-16 and findings 1-5 as written. The motion was seconded by Sel. McCaffrey and passed unanimously.

SCHEDULED BUSINESS

16-028 Declaration of Restriction – Fire Station

Mr. Aspinwall said that an elevator is required in public buildings unless there is a deed restriction stating otherwise. Mr. Aspinwall said the Massachusetts Architectural Access Board approved the use of the building that restricts the second floor since it will not be open to the public at any time and will only be used by able bodied employees of the Town.

Sel. Smith made a motion to approve the Declaration of Restriction in consideration of the use of the property at 885 Main Street so that the Town formally restricts its use so that the second floor of the building will only be used by employees of the Town, and will not be accessible by the public as stated. The motion was seconded by Sel. Neville and passed unanimously.

16-029 Award Traffic Signal/Ornamental Lights R & M Contract

Mr. Aspinwall said the low bidder for the Traffic Signal/Light Repair and Maintenance and Ornamental Light Repair and Maintenance was Dagle Electric.

Sel. Neville made a motion to award the Traffic Signal/Light Repair and Maintenance and Ornamental Light Repair and Maintenance contract to Dagle Electrical Construction Corp. The motion was seconded by Sel. McKay and passed unanimously.

16-030 DPW Roof Investigation Contract Award

Mr. Aspinwall said he recommends that the Board awards the structural and mechanical evaluation work for the DPW building at 7 Water Street to Simpson Gumpertz & Heger. Mr. Aspinwall said there are no existing drawings available so the scope is more extensive and the fees reflect that. The DPW roof repair was approved at the November 2016 Town Meeting.

Sel. Neville made a motion to award the contract for the structural and mechanical evaluation for the DPW building at 7 Water Street to Simpson Gumpertz & Heger in the amount of \$16,500.00 for structural evaluation, \$6,500.00 for mechanical evaluation, plus \$1,250.00 in estimated expenses. The motion was seconded by Sel. McCaffrey and passed unanimously.

16-031 FY15 Audit Services Contract Award

Mr. Aspinwall said he recommends awarding the FY15 Audit Services contract to Melanson Heath. Mr. Aspinwall said the firm has worked for the Town for many years and have been very reliable. Mr. Aspinwall said there has been talk of switching firms at some point, as is commonly recommended, but after a discussion with the Finance Director does not feel that makes sense this year. Mr. Aspinwall said there has been some staff turnover in key positions in the Town and it would be more beneficial to stay with this firm.

Sel. Neville made a motion that the Board recommends awarding the FY15 audit services contract to Melanson Heath Accountants and Auditors for a total amount of \$34,500.00. The motion was seconded by Sel. McCaffrey and passed unanimously.

16-032 HVAC Repair Services Contract Award

Mr. Aspinwall said the MAPC put out a bid for annual HVAC repair services for Sherborn and Millis. The low bidder is Commercial Boiler Systems who is currently our vendor, and who have always been reliable and on time. Mr. Aspinwall recommended that the Board award the contract to Commercial Boiler.

Sel. Neville made a motion that the Board recommends awarding the contract for HVAC annual repair services to Commercial Boiler Systems, Inc., with the annual maintenance cost of \$10,480.00 for Millis and hourly rates for service calls as specified in the contract. The motion was seconded by Sel. McCaffrey and passed unanimously.

PUBLIC HEARINGS/SCHEDULED APPOINTMENTS

16-021 Foreign Car Repair License Violation Hearing

Sel. Neville made a motion to open the hearing for Foreign Car Repair at 7:55pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Smith said Foreign Car Repair was sent a letter notifying them that they violated certain provisions of their Automobile Dealer Class II license. Mike Giampietro, Building Commissioner, spoke about the violations saying that on 12/14/15 there were more than six motor vehicles for sale and more than three unregistered vehicles on the lot. Mr. Giampietro said as of an inspection today, they are now in compliance with only five vehicles for sale and one unregistered. Thomas Wright, owner of Foreign Car, said once he received the letter notifying him of the violations he cleaned up the lot.

Sel. Neville made a motion to close the hearing for Foreign Car Repair. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Neville made a motion that Foreign Car Repair was found in violation of the provision of their Automobile Dealer Class II License at an onsite inspection on 12/14/15. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Neville made a motion that a re-inspection be performed by the Building Commissioner and Fire Chief in six months to verify that Foreign Car Repair remains in compliance with the Automobile Dealer Class II License provisions as specified. The motion was seconded by Sel. McCaffrey and passed unanimously.

SCHEDULED BUSINESS

16-033 Requirements Letter – Memorial Building Bond

Per Mr. Aspinwall this agenda item is not needed

16-034 Requirements Letter – DPW Equipment

Mr. Aspinwall asked the Board to approve the certification of the useful life of DPW equipment for borrowing purposes.

Sel. McCaffrey made a motion to certify that the maximum useful life of the DPW equipment to be financed with the proceeds of the \$188,000.00 borrowing authorized by the vote of the Town passed 11/2/15, article 25, is hereby determined pursuant to G.L. c. 44, to be for the purpose of road maintenance and snow removal for a maximum useful life of 10 years. The motion was seconded by Sel. Neville and passed unanimously.

16-035 Signing of the Presidential Primary Warrant

Sel. McCaffrey made a motion that the BOS do approve and sign the Presidential Primary Warrant and hereby notify inhabitants of the Town who are qualified to vote in the Primaries to vote at Precincts I, II and III at the Veterans Memorial Building on Tuesday, 3/1/16 from 7:00am to 8:00pm to cast their votes in the Presidential Primary for the candidates of political parties for the offices listed on said warrant. The motion was seconded by Sel. Neville and passed unanimously.

PUBLIC HEARINGS/SCHEDULED APPOINTMENTS

16-022 Sportsmen's Lounge License Violation Hearing

Sel. Neville made a motion to open the hearing for the Sportsmen's Lounge at 8:05pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Smith said the Sportsmen's Lounge was sent a letter notifying them that they violated certain provisions of their Restaurant All Alcohol license as follows:

- Chain and padlock on front door
- Emergency lights not working
- Sprinkler system report not submitted
- Egress routes blocked with appliances and debris on second floor

Mr. Giampietro said prior to the annual liquor license renewals, he and the Fire Chief perform safety inspections for life safety and fire safety. The violations listed above were found at their inspection of the premises on Monday 12/14/15. Mr. Giampietro said as of 1/4/16 three of the four issues were resolved but as of today there are still emergency lights which are not working. Mr. Giampietro said he and the Fire Chief have had to issue corrective orders regarding public safety at Sportsmen's for years upon years. Per Mr. Aspinwall, the Board has the option to revoke the liquor license, suspend the license or not issue any penalties. Two different residents stood up to voice their concerns about the continual violations and the safety of patrons. There was no one in attendance representing Sportsmen's Lounge despite notice of the hearing.

Sel. Neville made a motion to close the hearing for the Sportsmen's Lounge at 8:05pm. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Neville made a motion that Sportsmen's Lounge was found to have life safety and fire safety violations at an onsite inspection performed by the Building Commissioner and Fire Chief on 12/14/15. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Neville made a motion to suspend the 2016 Restaurant All Alcohol License issued to Sportsmen's Lounge pending repair notification and re-inspection to confirm resolutions to all life safety and fire safety violations and until the owner of the business appears before the Board at an open meeting to discuss the ongoing violations. The motion was seconded by Sel. McCaffrey and passed unanimously.

SCHEDULED BUSINESS

16-023 Glen Ellen Development

Sel. Smith reviewed the background of the Glen Ellen development project, dating back to 2008 when a special permit was issued by the Planning Board for a senior residential community. The decision of the Planning Board was then appealed by residents with a settlement in 2012. The permit qualifies for the Permit Extension Act which was enacted in 2010 which has since been modified, and now extended with an expiration date of January 2018.

Sel. Smith said Toll Brothers is interested in building a senior residential community and has signed a P & S which includes three parcels of land that comprise Glen Ellen. A large portion of the three parcels up for sale are part of Chapter 61B, a tax exemption for land used for recreation purposes, which means the Town has the right of first refusal in the event of a sale. Sel. Smith explained that once a bona-fide offer is received by the Town, the Town has 120 days to exercise its right. The Town received the bona-fide offer from Toll Brothers on 11/23/15. The total for the Chapter 61 B land, 128 acres, has been valued at \$13,000,000.00 while the other two parcels, totaling 210 acres, have a combined value of \$1,500,000.00. Sel. Smith said the Town needs to determine whether or not to proceed with the right of first refusal which would include purchasing the golf course portion of the property at \$13,000,000.00.

David Bauer, Division President from Toll Brothers, spoke about the company and their potential plan for Glen Ellen. Mr. Bauer said they are excited for the opportunity to build in Millis and the company has a good handle on the market and feels they know what amenities to include in a senior community

like the one they've proposed. Mr. Bauer said the plan includes 324 homes consisting of build to suit detached single family homes mixed with townhouses but all will be considered condominiums and part of a homeowner's association. Mr. Bauer said they originally planned to keep 9 holes of the golf course but no longer feel that is financially viable. There will be a private clubhouse and pool for the homeowners. Sel. Smith asked if a 9-hole golf course could be "gifted" to the Town and Mr. Bauer said he will look into the feasibility of that. Mr. Bauer said ideally all permits will be approved in the next 12 months, shovel in the ground shortly thereafter, then approximately 5-8 years to fully build out the community.

Many residents got up to share their thoughts, concerns and to ask questions about the project. A resident from Orchard Street had many questions about the details of the special permit. Sel. Smith said all of the specifics regarding the special permit were researched and vetted back in 2008. Jim McKay, Planning Board member, said Toll Brothers will need to go back before the Planning Board if the project has changed and get a revised special permit approved which includes the modifications. There were concerns about what the next steps are and where the Town stands currently. Sel. Smith said there would need to be a debt exclusion override which would entail a town meeting vote in order to get the \$13 million to purchase the property. Sel. McCaffrey said the BOS is obligated to propose to the Town whether or not the right of first refusal should be exercised, but the taxpayers of the community have the final say.

Kaplan Hasanoglu, Council on Aging Board member, spoke about the increasing senior population and raised concerns about the impact on Town services by bringing more seniors into Town. Other concerns voiced were the cost of the property and the price disparity between the Chapter 61 B parcel and the other two parcels. A few other residents said they think the Town should do what it can to purchase the property and keep the golf course community Millis has always had.

Sel. Smith said the BOS will give it some thought and address the right of refusal again at their next meeting on 2/1/16.

SCHEDULED BUSINESS

16-025 Contract Award for Purchase of Unmarked Vehicle

Police Chief Edison said they are looking to replace the unmarked vehicle since it is now an older vehicle with many miles on it. The Chief said they will use asset forfeiture funds, and would like to replace it with a newer version of the same make and model.

Sel. Neville made a motion to approve the purchase of a vehicle for a maximum of \$33,600.00. The motion was seconded by Sel. McCaffrey and passed unanimously.

16-024 Contract Award for Police Software Record Management

Chief Edison said the Police Department is looking to purchase software services and support to upgrade the current antiquated software which will go into the new Police station. The Chief said he's gotten a quote but after some discussion the validity of the quote and the process by which it was obtained plus the fact that the Permanent Building Committee hasn't reviewed it yet were concerns from the Board. Pete Jurmain, Finance Committee Chair, expressed concerns about looking at the system in more detail to make sure it will work with existing software. Sel. Smith asked the Chief to do more research and get input from the PBC and then return to another BOS meeting for approval. The Chief agreed, but noted there is a time constraint since the quote is only valid for a certain number of weeks.

16-027 Construction Change Directive – Agostini

Wayne Klocko, PBC Chair, presented Construction Change Directive 009 from Agostini Construction. Mr. Klocko said the directive would provide an additional allowance of \$60,000.00 as an allowance for existing winter conditions. Mr. Klocko said it will help keep the project moving forward and that the \$60,000.00 is a maximum price.

Sel. Neville made a motion to approve Construction Change Directive 009 to provide an additional \$60,000.00 maximum to Agostini/Bacon Construction as an allowance for existing winter conditions. The motion was seconded by Sel. McCaffrey and passed unanimously.

16-026 PBC/ESBC Change Order Process Discussion

Mr. Klocko said he is concerned about the process of getting change orders approved. Typically the BOS has to approve anything over \$10,000.00 which, due to meeting schedule times, can be difficult when contractors are looking for payment. Mr. Klocko said the Town has been fortunate to have contractors who have been willing to do work prior to payment but this could be a very cumbersome process during a large project like the CFB project. Mr. Klocko asked if the bylaw could be looked at or conversations could begin to see if there could be more latitude in the approval process. Sel. McCaffrey offered to work with Mr. Klocko to look at the current process and perhaps propose a solution moving forward. Sel. Smith said it's important to have a check and balances system, but all agreed it is worth looking into.

Mr. Klocko said he has a financial breakdown regarding the Police/Fire project that Sel. McCaffrey has been asking for. Sel. Smith asked that the subject be added as an agenda item on the 2/1/16 agenda.

NEW BUSINESS

There was no new business

CONSENT ITEMS

Sel. Neville made a motion to approve the 12/14/15 and 1/4/16 Executive Session minutes and the 1/11/16 Regular Session minutes as written. The motion was seconded by Sel. McCaffrey and passed unanimously.

Sel. Smith said the next regularly scheduled BOS meeting will be held on Monday, 2/1 at the VMB room 229 with regular session starting at 7:00pm.

EXECUTIVE SESSION: 10:55 PM

**Motion by Sel. Smith to enter in to 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.
(SEIU Contract, DPW Grievance)**

By Roll Call Vote: Sel. Smith—aye, Sel. Neville—aye, Sel. McCaffrey—aye.

Motion to emerge from Executive Session at 11:10pm by Sel. Smith. Seconded by Sel. Neville.

By Roll Call Vote: Sel. Smith—aye, Sel. Neville—aye, Sel. McCaffrey—aye.

Sel. Neville made a motion to adjourn at 11:11pm, seconded by Sel. McCaffrey. The motion passed unanimously.

Respectfully Submitted: Karen Bouret